

NORTH HERTFORDSHIRE DISTRICT COUNCIL



3 January 2024

Our Ref Planning Control Committee 16 January 2025
Contact. Committee Services
Direct Dial. (01462) 474655
Email. committee.services@north-herts.gov.uk

To: Members of the Committee: Councillors Elizabeth Dennis (Chair), Nigel Mason (Vice-Chair), Amy Allen, Sadie Billing, Ruth Brown, Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Tom Tyson and Martin Prescott

Substitutes: Councillors Val Bryant, Jon Clayden, Mick Debenham, Joe Graziano, Keith Hoskins, Steve Jarvis, Sean Nolan and Michael Muir

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERON
ROAD, LETCHWORTH GARDEN CITY, SG6 3JF**

On

THURSDAY, 16TH JANUARY, 2025 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda

Part I

Item		Page
1. APOLOGIES FOR ABSENCE	Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2. MINUTES - 21 NOVEMBER, 3 DECEMBER 2024	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 21 November and 3 December 2024.	(Pages 5 - 24)
3. NOTIFICATION OF OTHER BUSINESS	Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4. CHAIR'S ANNOUNCEMENTS	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION	To receive petitions, comments and questions from the public.	
6. 23/02838/FP WRIGHTS FARM, SHILLINGTON ROAD, PIRTON, HITCHIN, HERTS, SG5 3QJ	REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Erection of 2 x 3-bed dwellings with detached single garages, 2 x 2-bed bungalows and conversion of Listed Barn into 1 x 4-bed dwelling with triple detached garage following demolition of existing farm buildings with associated hard surfacing and landscaping.	(Pages 25 - 68)

7. **24/00708/LBC WRIGHTS FARM, SHILLINGTON ROAD, PIRTON, HITCHIN, HERTS, SG5 3QJ** (Pages 69 - 88)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Two storey extension and internal and external alterations to existing agricultural barn to facilitate conversion into one 4-bed dwelling
8. **24/00754/FP SLIP END FARM, ROYSTON ROAD, SLIP END, BALDOCK, HERTS, SG7 6SG** (Pages 89 - 106)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of two 3-bed, three 4-bed and two 5-bed dwellings with associated hard and soft landscaping, parking, garaging and private gardens following the demolition of existing agricultural barns (as supported by information submitted 8th October 2024).
9. **24/02036/FP GARAGE FLAT, CHIMNEYS, MILL LANE, GOSMORE, HERTS, SG4 7RL** (Pages 107 - 116)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Change of use existing triple garage and flat above to one self-contained 2-bed dwelling including single storey side extension and alterations to fenestration

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF
ON THURSDAY, 21ST NOVEMBER, 2024 AT 7.30 PM

MINUTES

Present: *Councillors: Nigel Mason (Chair), Amy Allen, Sadie Billing, Ruth Brown, Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Michael Muir, Louise Peace and Tom Tyson.*

In Attendance: *Isabelle Alajooz (Legal Manager and Deputy Monitoring Officer), Ben Glover (Senior Planning Officer), Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), Susan Le Dain (Committee, Member and Scrutiny Officer), Christella Menson (Principal Planning Officer) and Sjanet Wickenden (Committee, Member and Scrutiny Officer).*

Also Present: *At the start of the meeting approximately 22 members of the public, including registered speakers were present.*

Councillors Daniel Allen and Ralph Muncer were also present.

83 APOLOGIES FOR ABSENCE

Audio recording – 2 minutes 4 seconds

Apologies for absence were received from Councillor Elizabeth Dennis.

84 MINUTES - 10 OCTOBER AND 24 OCTOBER 2024

Audio Recording – 2 minutes 14 seconds

Councillor Nigel Mason, as Chair, proposed and Councillor Ian Mantle seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meetings of the Committee held on 10 October 2024 and 24 October 2024 be approved as true records of the proceedings and be signed by the Chair.

85 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minutes 25 seconds

There was no other business notified.

86 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minutes 29 seconds

(1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.

- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair clarified matters for the registered speakers.
- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.

87 PUBLIC PARTICIPATION

Audio recording – 5 minutes 48 seconds

The Chair confirmed that the registered speakers were in attendance.

88 QUESTIONS FROM MEMBERS

Audio recording – 6 minutes 15 seconds

In accordance with Standing Order 4.8.11, three questions had been submitted by the required deadline set out in the Constitution.

- (1) Councillor Ralph Muncer to Councillor Nigel Mason, Chair of the Planning Control Committee:

‘What is the Council’s policy regarding the application of its powers under the Listed Building Act 1990, the Town and Country Planning Act 1990, and the Buildings Act 1984, in respect of holding building owners to account for the dilapidation of Listed Buildings, especially for registered Assets of Community Value?’

Through the Chair, the Development and Conservation Manager provided the following response:

‘The Council do not have an adopted policy, as such, we apply the relevant Acts based upon basic Government guidance. As far as the listed buildings, as far as the Buildings Act that is a matter for Building Regulations and is not a matter for me to comment on and building regulations deal with dilapidation buildings generally.

With regards to listed buildings, as I said earlier we do not have a policy on such matters but we do follow government guidance, there is no specific duty on owners to keep their buildings in a good state or repair, but we do have powers to take action where a designated heritage asset has deteriorated to the extent that its preservation may be at risk. And there are various notices that we can use under the Listed Building and Conservation Area Act. Section 54 and 55 deal with urgent works to buildings, but that can only apply to an unoccupied building or parts of a building that is unoccupied. And then there is the repairs notice under section 48 of the Town and Country Planning Listed Buildings and Conservation Areas Act, that can relate to listed buildings which are occupied and we can serve a repairs notice on the owner in regards to those. The notice would specify the works that the authority considers reasonably necessary for the proper preservation of the building it does not deal with the restoration of the building it just deals with preservation and therefore the requirements of such a notice can only deal with buildings that are in such a state that the preservation is at risk and the works that we can require are to bring it to a point where it is no longer at such risk. We cannot require its restoration to a much better state than that which is just required to ensure that basically it does not fall down. There is the ability to compulsory purchase a listed building and that is outside my purview and delegated powers and then that would be a matter for others within the Council.

You asked a question about Registered Assets of Community Value, those have no relevance to the Listed Buildings Act and to whether something is a listed building.

Assets of Community Value were assets where the communities have the right to identify the building or the land that they believe to be important to the community and it really only deals with the ability of the community to purchase a building, and they can only apply that ability in the event that a building is put up for sale. So it does not really relate necessarily to listed buildings as such but to building where the community consider it an asset and should be given an opportunity to purchase that building in the event that it comes up for sale. An asset last about five years on a list before it has to be reviewed.'

Councillor Ralph Muncer asked a supplementary question, as follows:

'Are there any plans to bring forward a policy to codify the enforcement approach in North Hertfordshire?'

Through the Chair, the Development and Conservation Manager provided the following response:

'No there are not, the main reason for that is that the approach taken is very much dependent on the particular building concern. All listed buildings are very different and therefore you apply the law, the acts based upon the particular circumstances on each case, I am not sure that a policy would be particularly beneficial in that regards because each case is dealt with individually.'

- (2) Councillor Ralph Muncer to Councillor Nigel Mason, Chair of the Planning Control Committee:

'In particular, if the Council becomes aware that a Listed Building or building within a Conservation Area is at risk from dilapidation, to what extent will the Council allow the building to deteriorate before exercising its power to take formal legal enforcement action under the above acts?'

Through the Chair, the Development and Conservation Manager provided the following response:

'As I said earlier that would very much depend on the particular circumstances of the building and certain buildings would be looked at on their own merits and we would normally undertake or commission a survey to be undertaken if we consider that building has reached a point where it is in danger of failing if it is a listed building with a view to preserving that building. Something that has fallen down basically.'

Councillor Ralph Muncer asked a supplementary question, as follows:

'Within the last civic year do you know how many cases of formal legal action were brought against owners of property under the above acts?'

Through the Chair, the Development and Conservation Manager provided the following response:

'We have not had any.'

(3) Councillor Ralph Muncer to Councillor Nigel Mason, Chair of the Planning Control Committee:

'If the owner's maintenance of a Listed Building falls below the Council's minimum standard requirement (as in (2) above), and indeed the minimum standard required by legislation, how much time will the Council give the owner to restore the building to comply with informal requests and comply with statutory requirements before taking formal legal action to protect the historic building?'

Through the Chair, the Development and Conservation Manager provided the following response:

'It would depend upon the particular building concerned, the degree of its state in terms of what is necessary to preserve it, and that will reflect the amount of work involved in its repair to a point where it can be preserved and therefore it is not possible to say what specific time period we would give, it would depend on the particular building and its state.'

Councillor Ralph Muncer asked a supplementary question, as follows:

'In your experience, what is the average time?'

Through the Chair, the Development and Conservation Manager provided the following response:

'I would not be able to, would not want to hazard a guess to an average time, they are quite rare, and so working out an average which would be quite difficult because they are such rare occurrences.'

89 22/02675/FP KIMPTON GRANGE, LUTON ROAD, KIMPTON, HITCHIN, HERTFORDSHIRE, SG4 8HA

Audio recording – 14 minutes 48 seconds

The Senior Planning Officer provided an update that the Applicant was actually Mr J Grint and not Clear Architects as stated in the report.

The Senior Planning Officer presented the report in respect of Application 22/02675/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Amy Allen
- Councillor Louise Peace
- Councillor Bryony May
- Councillor Tom Tyson

In response to questions, the Senior Planning Officer advised that:

- The northern access would remain as a gated entrance.
- The southern access point would lead to the land gifted to the Parish Council and to the 4, two bedroom dwellings.
- There would be 15 dwellings in total.
- The application met the affordable housing allocation, as the dwellings in the Grange were conversions and not new builds.
- The four affordable houses would be sited facing inwards and not towards the street.
- Replacement trees would be planted.

The Chair invited Davina Malcolm to speak against the application. Ms Malcolm thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The development would cause the destruction of wood land.
- There were no guarantees that the gifted land would not be developed on, at a later date.
- The site was on green belt land and was outside the village boundary.
- The site was in the conservation area of Kimpton Bottom and was an area of principle historic interest with wooded boundaries.
- The development of the four houses was considered as infill building but would be hidden from the street by trees.
- The removal of woodland negated the conservation and green belt status.
- Kimpton needed affordable homes, the application stated all the homes were exceptional, but the 4 affordable homes were not exceptional.
- The deciduous trees and wildlife should be protected, the new dwellings would cause traffic and light pollution.
- There would be a loss of over 50 trees and the associated wildlife would be displaced, it would take decades to replenish these losses.
- There would be water build up from the removal of the trees.
- The site would have a 51.3% biodiversity net gain, however who would look after the new woodlands.
- The village was surrounded by farms and footpaths, it did not have a need, nor funding to maintain any extra gifted land.

The Chair thanked Ms Malcolm for her presentation and invited Councillor Ralph Muncer to speak against the application. Councillor Muncer thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The Grange conversion and the building of the lake homes would give a new lease of life to the site.
- The siting of the four affordable homes was not in keeping with the rest of the development. These dwellings were situated in green belt and conservation land and were outside the settlement boundary. The siting of these dwellings would cause harm to the area.
- Very special circumstances had not been demonstrated to build in this area as specified in paragraph 152 of the National Planning Policy Framework (NPPF). The applicant was seeking to use the infill building exception to this policy, however this should not be used as the site was outside the village boundary.
- The applicant had failed to demonstrate any very special circumstances and great weight should be allocated to the harms caused by this development under paragraph 205 of the NPPF.
- The Parish Council had raised concerns regarding the loss of the Rookery, and these had not been addressed.
- The affordable homes should be integrated into the site as currently there were clear distinctions between the two styles of homes. Planning applications had previously been refused for this reason.
- The site was not identified in the Local Plan.
- The applicant should listen to the residents, as the proposed development would cause harm to the green belt and to the Kimpton conservation area.

In response to a question from Councillor Tom Tyson, Councillor Muncer advised that, had the four affordable dwelling been situated in a more conservative area and the concerns of the Parish Council been addressed then the objections may have been resolved.

The Chair thanked Councillor Muncer for his presentation and invited Paul Hunter to speak in support of the application. Mr Hunter thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The Grange was in disrepair and the development would preserve the building as well as providing new affordable housing.
- The Grange was a special building and would have a renewed purpose.
- The development would provide access to a new public woodland.

The Chair thanked Mr Hunter for his presentation and invited Arron Breedon the Agent to the Applicant to speak in support of the application. Mr Breedon thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The application had a holistic approach to the development and included the gifting of land.
- The development would use a fabric first approach and would provide a 51.3% biodiversity net gain.
- Demolishing the dilapidated barn and outbuildings would enhance the setting.
- The development had a sense of openness and space and was not a cramped rural scene.
- The Grange would be redeveloped into 6 apartments, with improvements to the roof, walls and windows as well as an internal refurbishment to restore it to its former glory.
- The site would have less volume of buildings than in its current form, and the buildings would be distributed across the site.
- There would be three new lake homes nestled into the topography, these would be bespoke and built to a high standard.
- There would be two homes integrated into the garden walls, and four affordable homes on the boundary line.
- All the properties would be built using a fabric first approach, they would have sustainable technology to reduce energy, air and ground heat pumps, solar panels throughout the development and have an underground drainage system.
- The development would gift land to the Parish Council and back garden space to neighbouring properties.
- The development was a significant improvement to the current setting.

The following Member asked questions:

- Councillor Ruth Brown
- Councillor Amy Allen
- Councillor Ian Mantle

In response to questions, Mr Breedon advised that:

- The back gardens would be gifted to residents living at 2-14 Kimpton Botton.
- The affordable homes would be built to a high standard off site and brought in by way of a panel system, the homes would have heats pumps to reduce consumption and reduce running costs.
- The affordable homes were located within the southern boundary and would be considered as infill buildings within the greenbelt. These homes would be directly opposite established homes and would continue the ribbon of the street.
- The Paish Council would receive yearly payments for 10 years to maintain the gifted wildlife area. The money would allow the Parish Council to maintain the new wildlife habitats.
- The affordable homes had south facing gardens meaning they faced away from the road. The homes would be obscured by hedgerows and trees.

The Chair thank Mr Breedon for his presentation.

In response to points raised, the Senior Planning Officer advised that:

- The majority of the proposed felled trees were Category C or U. There were a few Category B trees that would also be felled.
- There would be a 51% Biodiversity Net Gain across the site.
- On balance the benefits of the scheme outweighed the harms as stated in paragraph 4.4 of the report.
- The Parish Council had requested £10K per year for 10 Years for maintenance of the new wildlife areas, the applicant had agreed to this.
- The development complied with paragraph 154 of the NPPF, as the land was previously developed and would be providing affordable dwellings therefore there would be no more than substantial harm to the greenbelt.
- The barn removal improved the openness and views across the site.

Councillor Amy Allen proposed to grant permission and this was seconded by Councillor Ruth Brown.

The following Members took part in debate:

- Councillor Amy Allen
- Councillor Ruth Brown
- Councillor Michael Muir
- Councillor Tom Tyson
- Councillor Caroline McDonnell
- Councillor Ian Mantle

Points raised in debate included:

- That they did not seem to be any legal reason to object to the application.
- There were concerns that the affordable housing faced into the development instead of towards the road.
- The development was of a high standard and opened up the estate to the public.
- There were concerns that the replacement trees would take decades to develop.
- The Parish Council had not objected to the development.
- There would be planting to obscure the affordable homes.
- There were concerns that the four houses would not be integrated into the street scene.
- There were concerns that the north entrance was gated but the south entrance was not.
- The southern access was merely for the four affordable houses and their refuse collection. There was no access through the site.

In response to points raised in debate, the Development and Conservation Manager advised that:

- Officers summarised that the benefits of this development outweighed the harms.
- The drainage concerns had been addressed by the applicant.
- It would be difficult to justify a condition requiring no gates to the north entrance in the event of an appeal, especially as the site currently had gated access.

In response to points raised in debate, the Senior Planning Officer advised that:

- The affordable housing details were set out in the Section 106 heads of terms.
- The benefits of the siting of the four houses outweighed the harms.
- The landscaping details for the site had been submitted and were substantial.

- There was no road access between the two sites.
- The site currently had two gated entrances.

Having been proposed and seconded and, following a vote, it was:

RESOLVED: That application 22/02675/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

N.B. Following the conclusion of this item, there was a break in proceedings and the meeting reconvened at 21:00.

90 23/02895/OP LAND ON THE NORTH EAST SIDE OF, THE CLOSE, CODICOTE, HERTFORDSHIRE

Audio recording – 1 hour 21 minutes 26 seconds

The Senior Planning Officer provided an update regarding the supplementary documents published on the 21 November 2024.

The Senior Planning Officer presented the report in respect of Application 23/02895/OP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Ian Mantle
- Councillor Amy Allen
- Councillor Tom Tyson

In response to questions, the Senior Planning Officer advised that:

- There was no specialist cycling route into the site.
- There was no other access onto the site however there was a public right of way across the site.
- The strip of green outside the boundary was for illustration purposes and not material, it may be part of the footpath.
- The applicant had submitted illustrated plans for the site, these were merely to show that the development met in principle the criteria and policies required for allocated site CD3.

In response to questions, the Development and Conservation Manager advised that:

- This application was for 42 dwellings, the original Local Plan allocation for this site was for 48 dwellings. Should outline planning be granted the applicant could only build up to 42 dwellings.
- It was likely that the illustrated layout would be indicative of the final plans, mainly due to the topography of the site.
- This application included vehicular access on to the site as this was not reserved for later approval.
- There were various public rights of way proposed within the site, including one that linked to the top northeast corner of the site.

The Chair invited Dan Stokes to speak against the application. Mr Stokes thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- There were 32 objections to this application.
- There was insufficient infrastructure surrounding this application.

- Hertfordshire County Councils Right of Way Officers had conditioned that there should be no footpath diversions during this development.
- There had already been more houses built in Codicote than its original housing allocation in the Local Plan.
- The Highways team changed their objection and claimed that the extra 33 daily trips to the site would not cause any extra harm, this was concerning.
- Recently ambulances had been unable to gain access to the area and this would only be made worse by congestion from construction and then the new homes.
- There were concerns regarding parking spaces which were already limited and any proposed priority lanes.
- The proposed bungalows would have sight into existing properties, additional high level planting would be required.
- There would be impacts on resident insurance premiums and the development would cause loss of light to existing properties.

The Chair thanked Mr Stokes for his presentation and invited Councillor Ralph Muncer to speak against the application. Councillor Muncer thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The Local Plan had allocated 400 homes to Codicote but had not put in adequate infrastructure. The High Street along with smaller road were already showing the strain of congestion.
- The access to this site was through a residential road and any construction would impact on the residents.
- During winter months residents struggled to access the smaller roads, this would be even harder for construction vehicles.
- The site was already a flood risk, this would be more significant after any development.
- Should the application be granted then ground water run off should be addressed prior to the construction of any homes.
- It was concerning that there was no funding for a GP surgery.
- Any conditions placed on the development should be properly enforced.

The Chair thanked Councillor Muncer for his presentation and invited Lynsey Rigg as Agent to the Applicant to speak in support of the application. Ms Rigg thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- There had been no technical objections to this application.
- The development had been reduced to 42 dwellings after careful consideration and discussions with Officers and the Parish Council.
- There had been discussions with the Parish Council regarding their concerns.
- There would be contributions to a new play area and to the upgrade of the scout hut and Memorial Hall.
- The development comprised a robust housing mix including 2 and 3 bedroom affordable homes, full details would be confirmed at the reserve matters stage.
- The application was supported by all the statutory bodies and complied to the Local Plan policies.
- The dwellings would be height restricted to no more than two stories and would also compromise of bungalows in the south west section of the site
- Important landscape features would be retained including a category A oak tree.
- There would be a 12 meter buffer between the old and new homes.
- There would be no harm to any local heritage sites.
- Contributions would be made to an upgrade of the play area in Valley Road.
- There would be section 106 mitigation for infrastructure.

In response to a question from Councillor Amy Allen, Ms Rigg confirmed that there was a footpath and not a bridleway through the site, investigations to upgrade this could be made with the Rights of Way team.

The Chair thank Ms Rigg for her presentation.

In response to points raised, the Senior Planning Officer advised that:

- There was a Construction Traffic Management Condition which included a Construction Management Plan to mitigate any impact on residents.
- Highways deemed the one access point as acceptable subject to Condition 4.
- When consulted the NHS responded that no contributions were required.
- The footpath would be 2 meters wide as agreed by Highways.

In response to points raised, the Development and Conservation Manager advised that:

- This was an allocated housing site in the Local Plan.
- Condition 4 was required prior to commencement of any building work.
- The Enforcement team had been made aware of issues at nearby sites.

Councillor Ruth Brown considered whether another pedestrian access point could be added at the reserved matters stage.

Councillor Ian Mantle proposed to grant the application and Councillor Amy Allen seconded and, following a vote, it was:

RESOLVED: That application 23/02895/OP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager with the removal of Condition 13, the amendments to Conditions 11,12 and 14 as set out in the supplementary document and the relevant renumbering of existing conditions.

“Condition 11:

Landscape and Ecological Management Plan (LEMP)

‘Prior to commencement of the development, a Landscape and Ecological Management Plan shall be prepared, detailing how biodiversity will be incorporate within the development scheme and managed/monitored long-term. This should include details regarding who will have the management responsibilities. The plan shall include details of the landscaping proposed to achieve measurable gains to biodiversity, as well as a graphical plan which sets out the number, type and position of ecological enhancement features to be incorporated into the design scheme. This plan shall be submitted to the Local Planning Authority for written approval to demonstrate the expectations of the NPPF and Local Policy in achieving overall measurable net gains for biodiversity. The development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure sensible working practices which protect ecology on and adjacent to this site, in accordance with Policy NE4: Biodiversity and Geological Sites.

Condition 12

Construction Environment Management Plan (CEMP)

No development shall take place until a Construction Environmental Management Plan (CEMP) for biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

- a) *Risk assessment of potentially damaging construction activities.*
- b) *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This must include:*
 - i. *Best practice measures to ensure the protection of retained vegetation during construction;*
 - ii. *Best practice measures to ensure any invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 encountered within the site will be removed and disposed of as controlled waste;*
 - iii. *A precautionary working method for hedgehogs.*
- c) *The location and timings of sensitive works to avoid harm to nesting birds.*
- d) *Details of a translocation programme for slow-worms.*

The CEMP should include a statement to the effect that if any protected species are encountered during any stage of the development, then works must cease immediately and advice be sought from a suitably qualified ecologist on how best to proceed. Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sensible working practices which protect ecology on and adjacent to this site, in accordance with Policy NE4: Biodiversity and Geological Sites.

Condition 13:

Lighting Strategy

No development shall take place until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites. This should be accompanied by a short statement from a suitably qualified ecologist showing how the design meets the level of protection required.

Reason: To ensure protected species are not disturbed by the development in accordance with National Legislation (Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, Wildlife and Countryside Act 1981 (as amended)) and Local Planning Policy NE4 – Biodiversity and geological sites.”

N.B. Following the conclusion of this item, there was a break in proceedings and the meeting reconvened at 21:48.

91 APPEALS

Audio recording – 2 hour 9 minutes 47 seconds

The Development Management Team Leader provided an update on Planning Appeals and highlighted that:

- There had been one appeal lodged which related to the removal of a condition.
- Two appeals had been dismissed with no discernible issues.
- The Rhee Spring appeal had been postponed with no rescheduled date. This may get upgraded to a public inquiry with additional costs.

92 PLANNING ENFORCEMENT QUARTERLY REPORT

Audio recording – 2 hour 12 minutes 40 seconds

The Principal Planning Officer (Conservation and Enforcement) provided an update on the Planning Enforcement Quarterly Report and advised that:

- The report gave an insight into the work of the Enforcement team.
- Customer engagement was crucial to the department to retain a good reputation.
- Work was ongoing to signpost members of the public and to separate out general public enquires from those that required assistance from the enforcement team.
- There had been website changes which included a frequently asked questions function and a summary of current work.
- It was noted that enforcement work took time and was not a rapid response service.
- From December the website would have monitoring details of section 106 payments and would include a list of contributions received over the last year, what the money had been spent on and a clawback overview.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Ian Mantle

In response to questions, the Principal Planning Officer advised that:

- Information regarding enforcement appeals would be included in the next quarterly update.
- Work was ongoing to set up a sharing network with other districts and the County Council regarding Section 106 payments.

Councillor Ruth Brown advised that the Overview and Scrutiny Committee were appointing a Task and Finish Group on Section 106 funding.

93 EXCLUSION OF PRESS AND PUBLIC

Audio recording – 2 hours 21 minutes 28 seconds

Councillor Nigel Mason, as Chair, proposed and Councillor Ruth Brown seconded and, following a vote, it was:

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the said Act (as amended).

94 PLANNING ENFORCEMENT TEAM QUARTERLY UPDATE - PART 2

N.B. As this item was considered in private session, no audio recording is available.

The Principal Planning Officer (Conservation and Enforcement) provided an update on the Planning Enforcement Team.

The meeting closed at 10.13 pm

Chair

Public Document Pack

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF
ON TUESDAY, 3RD DECEMBER, 2024 AT 7.30 PM

MINUTES

Present: *Councillors: Nigel Mason (Chair), Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Tom Tyson, Sean Nolan, Jon Clayden and Val Bryant.*

In Attendance: *Faith Churchill (Democratic Services Apprentice), Loretta Commons (Locum Planning Lawyer), Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), Martin Lawrence (Strategic Housing Manager), Susan Le Dain (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager) and Tom Rea (Senior Planning Officer).*

Also Present: *At the commencement of the meeting there were approximately 18 members of the public, including registered speakers.*

95 APOLOGIES FOR ABSENCE

Audio recording – 2 minutes 8 seconds

Apologies for absence were received from Councillors Ruth Brown, Elizabeth Dennis, Sadie Billing and Amy Allen.

Having given due notice Councillor Jon Clayden substituted for Cllr Brown, Councillor Val Bryant substituted for Cllr Billing and Councillor Sean Nolan substituted for Cllr Allen.

96 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 35 seconds

There was no other business notified.

97 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 41 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair clarified matters for the registered speakers.
- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.

98 PUBLIC PARTICIPATION

Audio recording – 4 minutes 18 seconds

The Chair confirmed that the registered speakers were in attendance.

99 24/01962/FP LAND ADJACENT TO RED BRICK COTTAGE, THE STREET, KELSHALL, ROYSTON, HERTFORDSHIRE, SG8 9SQ

Audio recording – 4 minutes 59 seconds

The Senior Planning Officer provided an update regarding the Supplementary Document that had been published on 2 December 2024.

The Senior Planning Officer presented the report in respect of Application 24/01962/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Louise Peace
- Councillor Tom Tyson
- Councillor Sean Nolan
- Councillor Jon Clayden

In response to questions, the Senior Planning Officer advised that:

- A self-build planning application was exempt from Biodiversity Net Gain (BNG) regulations.
- The height of the mature hedge was noted as 2.5 meters on all plans submitted.
- This scheme reflected the changes approved by the Council following the appeal that was upheld.
- The applicant would have to apply separately to North Hertfordshire to divert the public footpath under the Town and Country Planning Act and this would have to be addressed as a separate issue to this application.
- When this application was approved it was prior to the BNG regulation being made a mandatory requirement.

In response to questions, the Development and Conservation Manager advised that as the Council was not a Community Infrastructure Levy (CIL) Authority, there were no adopted processes or procedures to control self-build/custom occupation, which was a possible exemption from the Levy. There were no separate processes to control the self-build/custom build exemption for BNG and therefore the Council relied on the information provided by the applicant for a self-build planning application. It was understood that the Government was looking into this exemption.

The Chair invited Peter Gartside to speak against the application. Mr Gartside thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- He had lived in Kelshall for 35 years and was representing the Parish Council this evening.
- It was the view of the Parish Council that this application was not suitable for an infill site.
- The previous application for this site had originally been refused by the Council.
- This infill site was only suitable for a small single dwelling not a property of this size.
- He requested the Committee not to permit any further building on this site.

There were no points of clarification from Members.

The Chair thanked Mr Gartside for his presentation and invited William Looker to speak against the application. Mr Looker thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- He had been a resident of The Street in Kelshall for ten years.
- There were ten footpaths that would be within clear visibility of the site.
- This house was large and would have a negative impact on the landscape.
- The original use of the land was for agricultural use.
- There had already been 20% housing growth in this Category B village which exceeded the allocation in the Local Plan.
- This property would be one and a half meters above the ridge line so would be very visible.
- He asked the Committee to refuse planning permission as this property was out of the scale and character of The Street.

There were no points of clarification from Members.

The Chair thanked Mr Looker for his presentation and invited Councillor Martin Prescott to speak against the application. Councillor Prescott thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- He supported the views of Mr Gartside and Mr Looker.
- This house was too large for the area and it would also change the character of the village.
- When you looked at the two houses together as one site, this would be a big development.
- The footpath was unusable at present as it was covered with building materials.

There were no points of clarification from Members.

The Chair thanked Councillor Prescott for his presentation and invited Philip Kratz to speak in support of the application. Mr Kratz thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- Kelshall was a Category B village in the Local Plan and infill development was allowed.
- This application was for a mirror image property of the one next door which had already been approved.
- The property had been designed in a way not to overlook or overshadow any neighbouring properties.
- All technical issues had been resolved and all relevant technical authorities had given their approval.
- A good landscaping plan for the site had been designed.
- Both the principle and design of this application was considered satisfactory, therefore there was no good reason to refuse this application.

The following Members asked points of clarification:

- Councillor Jon Clayden
- Councillor Louise Peace
- Councillor Tom Tyson

In response to points of clarification, Mr Kratz advised that:

- At the time of the previous application only one house was being considered for construction.
- The house would be visible, but with a hedge height of 2.5 meters and the construction of single storey eaves, there would be no visible harm to the area.

- He was unaware of a blockage on the footpath, but would contact the applicant to advise of this and ensure it was cleared immediately.
- Landscaping visual impacts were not required for a single dwelling as stated in the NPPF.

The Chair thank Mr Kratz for his presentation.

Councillor Tom Tyson proposed to grant permission and this was seconded by Councillor Val Bryant.

The following Members took part in the debate:

- Councillor Val Bryant
- Councillor Tom Tyson

Points raised in the debate included:

- There was no material planning consideration why this application should not be granted.
- It was a valid application for an infill site and the harmful impact to the village did not outweigh the benefits.

Having been proposed and seconded and, following a vote, it was:

RESOLVED: That application 24/01962/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager subject to an additional Condition 12.

“Condition 12

Prior to the commencement of the works hereby granted a footpath diversion order shall have been applied for to the Local Planning Authority under the Town and County Planning Act 1990 Section 257 and a temporary diversion/stopping up order granted by the Hertfordshire County Council Public Rights of Way department. At no point shall the public footpath be blocked or access impeded until such time as both the above criteria are satisfied. Guidance on the application can be found at <https://www.north-herts.gov.uk/public-footpath-diversions> or by contacting the officer delegated on 01462 474431.

Reason: To ensure that the route of the public footpath remains open for use by members of the public at all times. To comply with Policy D1 of the North Herts.”

N.B. Following the conclusion of this item, there was a break in proceedings and the meeting reconvened at 20:22

100 24/02173/FP ANDERSON HOUSE, FLORENCE STREET, HITCHIN, HERTFORDSHIRE, SG5 1RA

Audio recording – 51 minutes 59 seconds

N.B. Councillor Val Bryant moved to the public speaking gallery at the start of this item to act as an Objector Member Advocate.

The Senior Planning Officer provided an update regarding the Supplementary Document that had been published on 2 December 2024.

The Senior Planning Officer presented the report in respect of Application 24/02173/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Sean Nolan
- Councillor Jon Clayden
- Councillor Louise Peace

In response to questions, the Senior Planning Officer advised that:

- The NHS had been consulted following concerns raised by residents during the consultation process on the impact of the local infrastructure.
- This application was for an existing building which made it easier to develop than some of the other similar planning applications in the district.
- The allocation of parking spaces was deemed sufficient as the majority of the spaces would be used by staff and visitors as many of the clients would not own cars.
- The height of the mature hedge along the southern boundary varied in height and was not at a consistent height of 1.8 meters.

In response to a question, the Strategic Housing Manager advised that the figures for housing demand could be found in the report and although the Council had several layers of requirements for housing in the district, demand always exceeded supply.

The Chair invited Neil Dodds to speak against the application. Mr Dodds thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- This was a change of use for Anderson House to provide sheltered accommodation to 86 homeless people, who would have complex needs.
- Hitchin Forum had objected to the scale of this application as it was inappropriate in a quiet residential street.
- This application neglected the safety and wellbeing of the neighbours.
- The police had been informed of this scheme and seemed satisfied, but he had not seen any report.
- This scheme had advanced quickly with One YMCA stating in August that they had agreed to obtain Anderson House.
- Anderson House would be more suitable if used for affordable housing in the district.

There were no points of clarification from Members.

The Chair thanked Mr Dodds for his presentation and invited Heather Cotton to speak against the application. Ms Cotton thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- She was a neighbour to Anderson House and lived there with her family.
- There was much diversity in the area and young families and single people felt safe.
- She had supported the Sanctuary development with 23 units which was of the right size for the area.
- The size and scale of the proposal for Anderson House was disproportionate for the area and went against policy DS23 in the Local Plan.
- Security inside Anderson House may be secure, but this would not ensure the safety to residents outside in the local area.
- There was a conflict with the Council trying to meet its objectives without listening to the needs of residents.
- She urged the Committee to defer or to refuse this application to allow for more consultation with the local community and for a more considerate scheme to be allowed.

There were no points of clarification from Members.

The Chair thanked Ms Cotton for her presentation and invited Councillor Val Bryant to speak against the application. Councillor Bryant thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- She was speaking on behalf of Councillor Ian Albert who had called in this application as there had been significant public interest in the change of use of Anderson House from when it was owned by settle.
- Councillor Albert did not object to the application itself, but felt there was a need for conditions to be enforced.
- Residents had concerns about the density of 86 residents which was a considerable change to the previous usage.
- It had been noted that the Sanctuary building on Grove Road would not be used for additional accommodation but would be demolished and rebuilt for use as outreach education by One YMCA.
- Frosted glass would be required on all first-floor windows to ensure privacy for neighbours.
- One YMCA would need to clarify the number of staff on duty overnight and what areas had CCTV.
- Residents had concerns about parking overflowing on to Florence Street.

The following Members asked points of clarification:

- Councillor Jon Clayden
- Councillor Sean Nolan
- Councillor Louise Peace

In response to points of clarification Cllr Bryant advised that:

- She had seen detailed feedback from the police to the Senior Planning Officer following their consultation.
- The Council had been informed that Anderson House was being sold by settle to One YMCA and that they had planning permission to demolish Sanctuary and rebuild.
- The grant obtained by One YMCA from the government had been transferred to the Anderson House project to be used by the end of March 2025.
- There were currently 4 or 5 residents in Sanctuary who would be able to stay there until Anderson House was converted.
- Anderson House was now empty and any Live-In Guardians had left by the end of November 2024.

The Chair thanked Councillor Bryant for her presentation and invited Guy Foxell to speak in support of the application.

N.B. Following the conclusion of the speaking time, Councillor Val Bryant left the Chamber at 21:00 and did not return.

Mr Foxell thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- He was the Chief Executive of One YMCA in Hertfordshire.
- He had worked closely with key stakeholders to secure funding for this project.
- One YMCA would operate a successful venture from Anderson House.
- One YMCA had a large staff team and would provide 24/7 and 365-day support to ensure safety for the local area.
- There had been no founded objections concerning density of the site.
- He was committed to holding events inside the building, so residents could meet staff and view the facilities.
- He would be happy to hold more public meetings with residents to discuss any concerns.

- Most residents did not drive and One YMCA would be installing bike racks and slightly increasing parking spaces to ensure all staff could park at all times.
- This scheme was needed to turn the lives around of the clients and to help reintegrate them back into the local community.
- He asked the Committee to grant this planning application to enable One YMCA to start making a difference to those people in need.

The following Members asked points of clarification:

- Councillor Caroline McDonnell
- Councillor Sean Nolan

In response to points of clarification, Mr Foxell advised that:

- The scheme would be flexible to meet the needs of residents but it would not be able to accommodate a family with young children, as parents were required to provide care for their children rather than One YMCA.
- This application was solely for a change of use of Anderson House and no decision was required for the Sanctuary building.

The Chair thanked Mr Foxell for his presentation.

In response to points raised, the Senior Planning Officer advised that:

- There was no increase in the size of the building apart from a small storage area as detailed in paragraph 4.3.21 of the report.
- There had been an amendment made to the additional Condition 12 to allow any action resulting from consultation with NHS to be delegated to the Development and Conservation Manager in consultation with the Chair of the Planning Committee.

Councillor Ian Mantle proposed to grant permission and this was seconded by Councillor Emma Fernandes.

The following Members took part in the debate:

- Councillor Sean Nolan
- Councillor Ian Mantle
- Councillor Emma Fernandes
- Councillor Jon Clayden

Points raised in the debate included:

- Another condition should be added to ensure that the hedge along the southern boundary was a higher and consistent level of 2 meters in the interests of the local residents and to comply with Local Plan.
- Blinds and shutters should be closed at night to ensure there was not any light pollution to residents backing on to Nightingale Road.
- There was clearly a need for a facility of this type within the district.
- The One YMCA management plan was very detailed and they were a very experienced organisation in this area.

In response to points raised in the debate, the Development and Conservation Manager advised that an additional Condition 13 could be added to ensure the boundary treatment was a minimum of 2 meters in height along the southern boundary.

Having been proposed and seconded and, following a vote, it was:

RESOLVED: That application 24/02173/FP be **GRANTED** planning permission subject to subject to the reasons and conditions set out in the report of the Development and Conservation Manager subject to:

- (a) The receipt of formal comments from the NHS Herts and West Essex Integrated Care team within the statutory consultation period.
- (b) The Committee to delegate authority to the Development and Conservation Manager in consultation with the Chair of the Planning Committee to resolve any issue arising from the consultation response from the NHS.
- (c) Subject to the addition of Condition 12 (as outlined in the Supplementary Document) and the addition of Condition 13.

“Condition 12

Prior to the commencement of the use hereby permitted full details of a resident nominations agreement for Andersons House to include the role of North Hertfordshire District Council as local housing authority, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in perpetuity in accordance with the approved nominations scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development meets a local housing need and to comply with paragraph 60, Section 5 of the National Planning Policy Framework. (2023).

Condition 13:

Prior to the commencement of the use hereby permitted details of an enhanced boundary treatment scheme along the southern boundary, to include a minimum fence height of 2 metres, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of the amenity of adjacent residents and to comply with Policy D3 of the North Herts Local Plan.”

101 PLANNING APPEALS

Audio recording – 1 hour 51 minutes 51 seconds

The Development and Conservation Manager provided an update on Planning Appeals and advised that there had been one appeal for a dwelling in Hitchin which had been dismissed.

The meeting closed at 9.23 pm

Chair

<u>Location:</u>	Wrights Farm Shillington Road Pirton Hitchin Hertfordshire SG5 3QJ
<u>Applicant:</u>	Ms Anna Mayers
<u>Proposal:</u>	Erection of 2 x 3-bed dwellings with detached single garages, 2 x 2-bed bungalows and conversion of Listed Barn into 1 x 4-bed dwelling with triple detached garage following demolition of existing farm buildings with associated hard surfacing and landscaping
<u>Ref. No:</u>	23/02838/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

21 May 2024

Extension of statutory period:

31 October 2024

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater, as set out in 8.4.5 of the Council's Scheme of Delegation.

1.0 Relevant Site History

- 1.1 19/01275/OP - Erection of four dwellings following demolition of existing farmhouse and associated farm buildings (all matters reserved except access) (amended description and plans received on 01/07/20 and 10/07/20) - Refused 11/01/21 for:
1. The proposal by reason of its type, location and visual impacts would be unacceptable in the Rural Area Beyond the Green Belt and would result in harm to the character and appearance of the locality. There would be additional harm to the setting and significance of designated heritage assets being a grade II listed building and

Conservation Area resulting in intrusive impacts and an inappropriate form of development. The proposal would therefore be contrary to Policies 6, 7 and 57 of the North Hertfordshire District Local Plan No. 2 with Alterations; Policies PNP 1, 2 and 8 of the Pirton Neighbourhood Plan; Policies SP1, SP2, SP5, SP9, SP13, CGB1, CGB4, D1 and HE1 of the emerging Local Plan; and National Planning Policy Framework Sections 12 and 16.

Appeal dismissed 22/02/22 it was found that there would be harm to the setting of the listed building and the character and appearance of the area including the setting of Pirton Conservation Area, and consequently that proposed development was found to be contrary to the Development Plan. The appeal decision can be viewed on the Council's Website in Public Access under application reference 19/01275/OP. Extracts from this decision will be quoted later in this report.

2.0 Policies

2.1 North Herts Local Plan 2011 - 2031

Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP5: Countryside and Green Belt
Policy SP6: Sustainable Transport
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP11: Natural resources and sustainability
Policy SP12: Green Infrastructure, landscape and biodiversity
Policy SP13: Historic Environment

Policy T1: Assessment of Transport matters
Policy T2: Parking
Policy CGB1: Rural Areas beyond the Green Belt
Policy CGB4: Existing buildings in the Rural Area Beyond the Green Belt
Policy HS3: Housing mix
Policy D1: Sustainable Design
Policy D3: Protecting living conditions
Policy D4: Air Quality
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE11: Contaminated land
Policy HE1: Designated heritage assets
Policy HE4: Archaeology

2.2 National Planning Policy Framework

Section 5 – Delivering a sufficient supply of homes
Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed and beautiful places
Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

2.3 **Pirton Neighbourhood Development Plan**

Policy PNP 1 - Meeting Local and Wider Needs
Policy PNP 2 - Design and Character
Policy PNP 4 - Hedgerows, Trees and Verges
Policy PNP 5 - Wildlife
Policy PNP 8 - Heritage Assets and Archaeological Heritage
Policy PNP 11 - Safety of Pedestrians, Cyclists, Equestrians and Motorists
Policy PNP 12 – Connectivity
Policy PNP 13 - Car Parking

3.0 **Representations**

3.1 **Neighbouring Properties:**

The application has been advertised via neighbour notification letters, the display of a site Notice, and a press notice. At the time of finalising this report, 74 objections in total had been received. The objections received were on the following grounds:

- Has not overcome reasons of dismissed appeal.
- Site is subject to Crichel Down rules.
- Land needs to be offered back to the original owners or successors.
- Conflicts with “Managing Public Money” guidance.
- Outside the village boundary.
- Detrimental to the rural landscape.
- Contrary to the Neighbourhood Plan.
- In the Conservation Area.
- Harmful to the setting of the listed barn.
- No need for new houses to sustain the barn.
- Disproportionately large extensions.
- Inappropriate. Will degrade the barn.
- Large garage incompletely described.
- Within a Pirton Character Area.
- Transitional between village and countryside.
- Widening the entrance road an intrusion into rural character.
- Extra traffic, cumulative impacts from previous developments.
- Vehicle access inadequate. Safety concerns.
- A precedent must not be set.
- No need for new houses.
- Smaller houses are needed.
- Errors and inaccuracies.
- Impacts on chalk stream.
- Sewerage can’t cope.
- Should be rejected, like other applications nearby.
- No guarantee that requirements of conditions are implemented.
- Neglected habitats should be restored.
- Biodiversity improvements inadequate.

- Little detail of biodiversity improvements.
- Construction traffic access.
- No surface drainage details.
- Lack of infrastructure.
- Potential asbestos.
- In an area of archaeological significance. More work required.
- Land crossed by footpaths.
- Barns and farmhouse not redundant.

One comment was received in support, on the following grounds:

- The site has been unused and derelict for 6 years.
- Haven for vermin, and drug-taking.
- Development modest.
- Provides the type of properties Pirton needs.
- Seems there is no option than to convert the listed barn.
- Nature of the access means further expansion not viable.

Consultees

3.2 Parish Council

The Pirton Parish Council objects to the grant of planning permission under both applications.

We take as our starting point the reasons for refusal of the Herts County Council Appeal (HCC) to the Planning Inspectorate (APP/X1925/W/21/3274765) which we support i.e. the effect on the setting and character and appearance of the Pirton Conservation Area: the harmful effect on the designated heritage asset that is the Listed Barn; and adverse impact on the openness of the site to the surrounding countryside (harm to the rural setting). We do not think that the current proposals overcome these objections.

(Full comments from the Parish Council are in Appendix 1 of this report).

3.3 Environmental Health/Protection

No objections.

(Full comments are in Appendix 1 of this report).

3.4 Hertfordshire County Council Countryside and Rights of Way

There is a Public Footpath (Pirton 012) which runs through the development site. The Footpath should be diverted so that it follows the walked line of the route along the southern side of the ditch that runs southwest to northeast – this is currently shown in the proposed site plan.

(Full comments are in Appendix 1 of this report).

3.5 Lead Local Flood Authority

As this is a non-major application, the Lead Local Flood Authority (LLFA) is not a statutory consultee however as there is an ordinary watercourse on site, we are pleased to comment.

It is difficult to comment further on the proposals in the absence of a drainage strategy drawing. We would be pleased to provide further comment upon receipt of more or updated information.

(Full comments are in Appendix 1 of this report).

3.6 HCC Archaeology

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

(Full comments are in Appendix 1 of this report).

3.7 HCC Highways Officer

Does not wish to restrict the grant of permission.

(Full comments are in Appendix 1 of this report).

3.8 Conservation Officer

Although of acceptable appearance in design terms, it is considered that the 2 x 3-bed dwellings would erode the spacious qualities of the plot, which contributes positively to the transition to the open and undeveloped backdrop of the houses within the Pirton Conservation Area (PCA) and the rural setting of the village. In addition, the two-storey overtly domestic appearance of the barn addition including 3no. dormer windows and chimney stack together with introducing 10no. new windows openings and 4no. roof lights to the grade II listed barn, will erode this building's significance as a late C18 timber-framed barn of vernacular construction. I have also commented below on the appearance of Plots 3 & 4.

I do not take the view that this is a high quality and responsive scheme, and that harm would be occasioned to the listed barn, its setting and to the character and appearance of the PCA. On this basis, I raise an **OBJECTION** as the scheme fails to satisfy Sections 66(1) and 72(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031. The public benefit would be to find an optimum viable use for the barn but I conclude that this on its own is insufficient to outweigh the great weight to be given to the less than substantial harm I have identified.

(Full comments are in Appendix 1 of this report).

3.9 NHDC Ecologist

This application would not be subject to mandatory Biodiversity Net Gain but should still be policy compliant in terms of NE4 in the North Herts Local Plan which calls for development to deliver measurable net gains for biodiversity and contribute to ecological networks.

(Full comments are in Appendix 1 of this report).

3.10 Historic England

In this case we are not offering advice.

4.0 Planning Considerations

4.1 **Site and Surroundings**

4.1.1 The site comprises an access road that leads to Wrights Farm, which is no longer in use. The northern cluster of buildings includes a Grade II listed barn, the only listed building on the site, and the subject of this Listed Building Consent application. The listed barn has a tiled roof and timber walls.

4.1.2 The other buildings in the northern part of the site are an unlisted modern barn, stables and a livestock building. A short distance to the south is a former livestock shed. A greater distance further south is a two-storey dwelling, the former farmhouse which is unoccupied. The site continues south down the access to where it joins Shillington Road.

4.1.3 The buildings to the north of the farmhouse are in open countryside, which has a rural agricultural character. This northern two-thirds of the site is in the Rural Area Beyond the Green Belt. The farmhouse and access in the southern third are in the Pirton Settlement Boundary (a Category A Village in the Local Plan), and are considered to appear as being within Pirton, albeit on the northern edge. The whole site is in the Pirton Conservation Area. A small number of dwellings are to the east and NE of the listed barn. The site passes over a stream where it turns NW after Building 2 (the site is in Flood Zone 1). A public right of way extends to the west of the site before crossing through it in a NE direction to the south of the listed barn.

4.2 **Proposal**

4.2.1 Planning permission is sought for:

Erection of 2 x 3-bed dwellings with detached single garages, 2 x 2-bed bungalows and conversion of Listed Barn into 1 x 4-bed dwelling with triple detached garage following demolition of existing farm buildings with associated hard surfacing and landscaping.

4.2.2 In more detail, the farmhouse in the southern part of the site would be demolished, and two detached two storey 3 bed dwellings with pitched roofs, each with a separate detached garage, would be sited on the same plot as the farmhouse. Each dwelling would have external parking, turning areas, and access onto the main access road.

- 4.2.3 Building 2 north of the farmhouse would be demolished, and two semi-detached 2 bed bungalows with pitched roofs are proposed, which would be sited partially over the footprint of building 2 and would extend further south. Each dwelling would have external parking, turning areas, and access onto the main access road.
- 4.2.4 Also proposed is a two-storey and single storey extension to the barn in association with its conversion, to create a four-bedroom dwelling. This would include external alterations to create new openings. The barn would be used as a dining room, kitchen, and family room. A triple garage with a pitched roof is proposed to the SW of the barn. The existing agricultural and equestrian buildings that are attached and near the barn would be demolished. The new dwelling would be accessed from the main access road, with parking and turning areas.
- 4.2.5 The proposal includes associated hard and soft landscaping, including front and rear gardens for the new dwellings, widening parts of the track, re-surfacing the first 50m of the track with tarmac, tree removal, new tree and vegetation planting, and diversion of part of the public footpath to the south. The plans also show some development out of the application site in blue-edged areas but is not considered to form part of the proposed development and will not be assessed in this discussion.
- 4.2.6 This application is accompanied by Listed Building Consent application for the extension and alterations to the listed barn, reference 24/00708/LBC.

4.3 Key Issues

- 4.3.1 The key issues for consideration are as follows:
- The principle of the proposed development in this location.
 - The design of the proposed development and its resultant impact on the character and appearance of the area including on designated heritage assets;
 - The effect upon living conditions of occupiers of neighbouring properties;
 - Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings;
 - The acceptability of the proposed development with regards to parking, sustainable transport, and impacts on the public highway
 - The quality of landscaping proposed and the impact the proposed development would have on trees.
 - The impact that the proposed development would have on ecology and protected species.
 - The impact of the proposal on drainage and flood risk; and
 - Other matters.

Principle of Development:

- 4.3.2 The southern third of the site, up to the north boundary of the farmhouse, is within the settlement boundary of Pirton. In the Local Plan, Pirton is a Category A village under Policy SP2, where general development will be allowed within settlement boundaries. Such development includes the two new dwellings to replace the farmhouse, and the widening of the access road. These elements of the proposal are acceptable in principle and comply with Policy SP2 of the Local Plan.

- 4.3.3 The remainder of the site and the proposed development is outside of the settlement boundary of Pirton, and is in the Rural Area Beyond the Green Belt (RA). Policy CGB1 sets out what types of development are acceptable in the RA, which states:

In the Rural Areas beyond the Green Belt, as shown on the Policies Map, planning permission will be granted provided that the development:

- a) Is infilling development which does not extend the built core of a Category B village;*
- b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;*
- c) Is strictly necessary for the needs of agriculture or forestry;*
- d) Relates to an existing rural building;*
- e) Is a modest proposal for rural economic development or diversification; or*
- f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.*

Part d) of CGB1 relates to Policy CGB4, which is:

- a) Planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:*
- b) Any existing building to be converted for re-use does not require major extension or reconstruction;*
- c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and*
- d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.*

Additionally, Policy SP5 states:

We support the principles of the Green Belt and recognise the intrinsic value of the countryside. Green Belt and Rural Areas Beyond the Green Belt are shown on the Policies Map. We:

- d) Will operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of our detailed policies.*

- 4.3.4 In assessing the proposed development against these Policies, the proposal is only potentially acceptable under CGB1 d), where it could relate to an existing rural building (CGB4).
- 4.3.5 With regard to CGB4, the proposed barn conversion and extension is not considered to comply with criterion (b) as the extension proposed would effectively double the size of the barn, considered to be a major extension that would not be subservient to the host building. The proposed triple garage would be an outbuilding and is considered subordinate to the proposed dwelling that would result from the barn conversion and extension under criterion (d) and is considered sufficiently close to the main building to not conflict with this criterion.

- 4.3.6 Criterion (c) of CGB4 stipulates that the resultant building(s) should not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s).
- 4.3.7 Continuing with the assessment of the proposed barn conversion and extension with separate garage, the extension and garage would more than double the size of the barn, numerous visible openings are proposed to the barn, along with a large outbuilding, parking area would spread out from the barn. The resulting development would have a large curtilage with a corresponding domestic use in a much larger area than the barn, which would intensify the use of the site. Openness is defined as the absence of development. There is a special and visual dimension to openness. The proposed scale and impacts of works to the barn and its surroundings would be relatively large and substantial and would be considered to have a materially greater impact on the openness of the RA in both spatial and visual terms.
- 4.3.8 The purposes or general policy aims of the RA asset out in Policy SP5, is one of restraint. The size, scale, siting and visual impacts of the proposed barn conversion, extension and outbuilding are not considered to be restrained when compared to the existing barn. This part of the proposal is therefore considered unacceptable in principle.
- 4.3.9 The remaining part of the development to be assessed as to whether it is acceptable in principle are the two proposed semi-detached bungalows, which would involve the removal of unused agricultural building 2, with the bungalows and associated new use of the land extending further south.
- 4.3.10 The proposed bungalows would be of a comparable footprint and size to the existing building but would change the use of the site and intensify the use, and would also be clearly visible in public views. These impacts would contrast significantly with the present building, which is agricultural in character and forms part of the larger group of Wrights Farm buildings. Due to these impacts, the proposed bungalows are considered to conflict with Policy CGB4 c) of the Local Plan, as they would have a materially greater impact on the openness, purposes and general policy aims of the RA.
- 4.3.11 The Inspector's Report of dismissed appeal following refusal of planning application 19/01275/OP are also considered materially relevant to the current application:

14. The proposed dwelling closest to the listed barn could be designed to have the appearance of a rural building, which could also be smaller than the existing farm building. It could therefore maintain the existing long-established cluster of built form projecting into the countryside. However, domestic paraphernalia and the inevitable noticeable presence of permanent residential occupation would be visually intrusive and reduce the positive contribution made by the openness of the site to the surrounding countryside. This would therefore be harmful to the rural setting of the barn and the PCA.

19. The part of the appeal site encompassing the existing farm building to its northern end is situated outside the development boundary for Pirton, within one of the Rural Areas Beyond the Green Belt identified by Policy 6 of the NHDLP1 and Policy CGB1 of the ELP. These policies require that development in such locations should be limited to rural workers' and affordable housing, rural

economic development or diversification and community facilities or services. Policy CGB1 also suggests that development in relation to existing rural buildings will be granted, which links it to Policy CGB4. This requires that the resultant building does not have a materially greater impact on openness of the area. Given my findings above, the appeal scheme is not for any of the types of development in the countryside beyond the Green Belt that are considered acceptable by development plan and ELP policies in such locations.

32. While I accept that the location of the site beyond the development boundary would be close to services and facilities in Pirton, the purpose of development plan policies relevant to the location of development is to protect the character of the countryside and I have found harm in this respect. With all of the above in mind, I afford these conflicts with the development plan considerable weight.

- 4.3.12 That appeal was determined in February 2022, with the then emerging Local Plan adopted later that year keeping RA Policies CGB1 and CGB4 with similar wording. The scheme dismissed at appeal was a smaller development on a smaller site that did not include the listed barn, and was also outline not including detailed plans of new dwellings. The development now proposed would be on a larger site in the RA with more dwellings and the substantial barn conversion and extension and would be considered to result in greater impacts on the R A than the scheme dismissed at appeal.
- 4.3.13 The proposed development would result in greater impacts upon the Rural Area Beyond the Green Belt with resultant policy conflicts than the scheme dismissed on appeal, with the elements of the proposal outside the Pirton settlement boundary not acceptable in principle. The proposal does not comply with Policies SP5, CGB1 and CGB4 of the Local Plan, and Policy PNP1 of the Pirton Neighbourhood Plan.

Heritage, and character and appearance:

- 4.3.14 The whole site is in the Pirton Conservation Area. The barn that is proposed to be converted is a Grade II listed building. These are both designated heritage assets, and the proposed development is to be assessed as to how it affects their significance and setting.
- 4.3.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of planning powers in conservation areas, “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.
- 4.3.16 Paragraph 207 of the NPPF states that when “determining applications, local planning authorities should take account of... the desirability of new development making positive contribution to character and distinctiveness”. Paragraph 212 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 213 of the NPPF sets out that any harm to the significance of a designated heritage asset should require clear and convincing justification.

- 4.3.17 Paragraph 215 of the NPPF states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

- 4.3.18 Policy HE1 of the North Herts Local Plan states:

Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they (as applicable):

a) Enable the heritage asset to be used in a manner that secures its conservation and preserves its significance;

b) Incorporate a palette of materials that make a positive contribution to local character or distinctiveness, where it is appropriate and justified; and

c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset’s optimum viable use.

- 4.3.19 The Council’s Senior Conservation Officer (CO) has considered the application against the above local and national policies. The CO has provided detailed comments, ultimately objecting to the application, which is given significant weight due to the knowledge and expertise of the CO.

- 4.3.20 The CO has firstly commented on what are considered to be the key characteristics of this part of the Conservation Area and the listed barn, citing a paragraph from P20 of the Pirton Conservation Area Character Appraisal and Management Plan (March 2023):

The Wright’s Farm Barn [Figure 16] was designated as a Grade II listed building in 2020. Dating from the late eighteenth century, the barn is an important surviving example of regional vernacular architecture. As part of this appraisal, the Conservation Area boundary has been amended to include this barn and the other remaining buildings at Wrights Farm, including associated fields, within the Conservation Area. This means that the boundary now extends across the far northern edge of the village, whereby the Wrights Farm complex was previously excluded. This section of the village is known as Burge End, with the fields surrounding Wrights Farm having historical links to the agricultural heritage of the village. Within this complex of buildings, the listed barn is surrounded by buildings of a low architectural and historic value. Sensitive redevelopment of the site would be beneficial to the setting of the listed barn.

- 4.3.21 The CO has also referred to four relevant paragraphs from the Inspector’s Report of dismissed appeal 19/01275/OP. Whilst this is set out at Appendix 1, for ease of reference the Inspector stated:

The farm building to the north of the site is of a simple form and relatively low in the landscape, it is therefore reminiscent of many agricultural buildings found within the countryside. The farmhouse is also spaciouly arranged within its curtilage and partially

enclosed by mature planting. While both buildings do not exhibit architectural qualities that make a positive contribution to the setting of the Pirton Conservation Area (PCA), the listed barn or the openness and character of the countryside, they are not harmful to them and have a neutral effect. (Para 11)

As far as is relevant to this appeal, the significance of the PCA today is principally derived from the considerably positive contribution made to its character and appearance by the arrangement of high-quality buildings set within mature landscaped plots. The open and undeveloped backdrop also contributes to the character and appearance of the PCA and the overall rural setting of the village. While the existing farmhouse is an outlier from the established linear form of development, it is set within a spacious and verdant plot, which provides a transition from the more densely arranged dwellings at the road frontage to the countryside beyond. (Para 13)

The proposed dwelling closest to the listed barn could be designed to have the appearance of a rural building, which could also be smaller than the existing farm building. It could therefore maintain the existing long-established cluster of built form projecting into the countryside. (Para 14).

The indicative layout of the dwellings within the curtilage of the farmhouse would share similarities with the spacing of houses in Shillington Road, but their layout behind the linear frontage would not be akin to the established grain of development. They would also erode the spacious qualities of the plot, which contributes positively to the transition to the open and undeveloped backdrop of the houses within the PCA and the rural setting of the village. Conversely, the effect on the setting of the barn is likely to be limited given the grouping of the dwellings close to the existing houses in the village. (Para 15)

4.3.22 Paras. 8 to 10 of the Inspector's Report provide a further assessment of the setting and significance of the barn itself, with key quotes here:

"8...Moreover, it survives as a little-altered and substantially intact example of the region's vernacular building traditions and the only remaining building from an earlier significantly more extensive parallel range of buildings with the farmstead.

9...As far as it is relevant to the appeal before me, I find the significance of the listed building to be found in its architectural and historic interest, as a 17th Century timber-framed barn of vernacular construction.

10. The setting of the listed barn has changed over time, with little of its original form and layout of the farmstead remaining. Modern agricultural buildings of contrasting form and appearance have been constructed within the farmstead. The setting also includes the appeal buildings, given their proximity to the access to the barn, and the surrounding rural landscape predominantly formed of pasture and enclosed fields. A public footpath from Shillington Road crosses the appeal site and leads to Burge End Lane. While this affords views of the barn in the surrounding landscape, these are filtered by mature planting at field boundaries. Nevertheless, the farmstead remains prominent in its immediate surroundings, particularly from the public footpaths to the east and west.

- 4.3.23 It is considered that the significance of the listed barn can be summarised as being from its architectural and historic interest, as a 17th Century timber-framed barn of vernacular construction, being a little-altered and substantially intact example of the region's vernacular building traditions, that is also the only remaining building from an earlier significantly more extensive parallel range of buildings with the farmstead.
- 4.3.24 The significance and setting of the part of the Pirton Conservation Area (PCA) and the setting of the barn is identified at paragraphs 11 and 13 quoted above. The Inspector goes on to state relating to the previous proposal:
- “15. The indicative layout of the dwellings within the curtilage of the farmhouse would share similarities with the spacing of houses in Shillington Road, but their layout behind the linear frontage would not be akin to the established grain of development. They would also erode the spacious qualities of the plot, which contributes positively to the transition to the open and undeveloped backdrop of the houses within the PCA and the rural setting of the village.”*
- 4.3.25 The spacious plot of the farmhouse in providing a transition from Pirton to the countryside beyond to the north, and the largely open and undeveloped backdrop of the northern two-thirds of the site including the listed barn, are some of the main characteristics of the significance of this part of the PCA.
- 4.3.26 Turning to the proposal itself, there are three main components – the two southern dwellings, the two bungalows, and the barn extension and conversion. The CO has commented on these separately in his report.
- 4.3.27 The CO has concerns relating to the number of new dwellings that would replace the farmhouse and Building 2, their siting and visual impacts, and some detailing and ancillary development such as external materials and driveways.
- 4.3.28 The CO has provided the comments in respect of the proposed barn conversion and extension development and has concerns relating to the size and scale of this part of the proposal, the design and overtly domestic appearance, and the external alterations to the barn itself resulting from the number of new openings proposed.
- 4.3.29 It is considered that the harm resulting from the development would be less than substantial. In this ‘less than substantial’ category, Plots 1 and 2 would result in moderate harm, Plots 3 and 4 would be low, and the barn conversion development would be moderate to high. Where harm would be less than substantial, as set out in para. of the NPPF, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The C O has considered that the optimum viable use is proposed, but the public benefits from the proposal do not outweigh the great weight that has been given to the harms identified.
- 4.3.30 The farmhouse at the south of the site is presently a residential use, therefore it is considered that this part of the site already has an optimum viable use. Former agricultural building 2 to be demolished has not been in use for at least 6 years, therefore a residential use through a conversion or replacement as is proposed, could be the optimum viable use for this building.

- 4.3.31 The CO has identified a public benefit as being an optimum viable use for the listed barn. It is also considered that public benefits would be the net addition of 4 new dwellings within the context of the Council not being able to demonstrate a five-year housing land supply.
- 4.3.32 In assessing these public benefits, the provision of 4 new dwellings would be modest. Whilst some weight can be given to the potential for a use of the barn, this is not considered to outweigh the significant and substantial impacts of the proposed conversion, alterations, extension and garage. The moderate public benefits are not considered to outweigh the harms identified to the designated heritage assets of the Conservation Area and the listed barn to which great weight should be attributed.
- 4.3.33 The impacts on the character and appearance of the locality are strongly related in this case to the harmful impacts identified above to the significance of this part of the Pirton Conservation Area, and to the character of the countryside outside of the Pirton settlement boundary. As harms relating to the above have been identified, the proposed development is considered harmful to the character and appearance of the locality.
- 4.3.34 The CO has not raised objections to the demolition of the existing buildings, therefore there are no objections to these. The dwelling mix is considered acceptable. The design of each individual dwelling and garage for Plots 1 and 2 are acceptable. These are neutral impacts rather than benefits, and do not overcome the harm that would arise from the proposed development. If permission was to be granted, conditions as recommended by the County Council Archaeologist would be imposed to ensure that potential remains of archaeological interest would be appropriately recorded.
- 4.3.35 The proposed development is therefore considered harmful to the significance and setting of the Pirton Conservation Area and the listed barn and would be harmful to the character and appearance of the site and locality. The proposal does not comply with Policies D1 and HE1 of the Local Plan, Sections 12 and 16 of the NPPF, and Policies PNP1, 2 and 8 of the Pirton Neighbourhood Plan.

Impacts on Residential Amenity:

- 4.3.36 The areas of the site proposed for the listed barn conversion, and the two new bungalows, are sufficiently far from the closest dwellings such that those parts of the development will not be harmful to amenity. The proposed access road widening will be within the site boundaries, some distance from the closest dwellings, and the two widened areas closest to dwellings in the south of the site will be small and largely obscured and will not be harmful.
- 4.3.37 The new Plot 2 dwelling would be a sufficient distance from the closest dwellings to the south that the amenities of occupiers of those dwelling would not be harmed. The Plot 1 dwelling would share its curtilage with Nos. 24 and 26 Shillington Road and would be visible from the rear of those dwellings. However, given the siting and size of the proposed dwelling it is considered that it would not appear overbearing or cause loss of light. No upper floor side windows are proposed for Plot 1; therefore, it would not cause loss of privacy. The increase in intensity of the use of the site is not considered harmful to amenity as most dwellings would be sited away from the closest dwellings, and Plot 1 would be set off the boundary on a site that presently has a residential use. The proposal is not

considered harmful to residential amenity. Therefore, the proposal complies with Policy D3 of the Local Plan.

Amenity of Future Occupiers:

- 4.3.38 Paragraph 130 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. This is largely reflected in Policies D1 and SP9 of the Local Plan.
- 4.3.39 Policy D1 of the Local Plan states that residential development should meet or exceed the nationally described space standards. The individual rooms and overall living space of the dwellings accord with or exceed these standards. Therefore, the internal living space proposed is considered acceptable.
- 4.3.40 Each dwelling would have its own private garden. The Local Plan does not specify minimum private and communal garden sizes; however, it is considered that these gardens would be of an acceptable size and quality to provide an acceptable and useable private amenity areas for future occupants of the dwellings.
- 4.3.41 Due to the siting of the proposed dwellings, it is considered that future occupants would not be adversely affected by uses, buildings, structures, trees and vegetation outside the site. It is also not considered that the new dwellings proposed would adversely affect each other in terms of visual impacts, being overbearing, loss of light, noise, and privacy. Living conditions for future occupants are considered acceptable. The proposal complies with Policy D1 of the Local Plan, and Section 12 of the NPPF.

Parking, Sustainable Transport, and Highways:

- 4.3.42 The Council’s residential parking standards are for dwellings with 1 bedroom to have one space minimum, and for dwellings with 2 or more bedrooms to have a minimum of two parking spaces. All dwellings would have two or more bedrooms and would have at least two parking spaces (with additional space in the proposed garages). The dwellings with three or more bedrooms would also comply with Policy PNP 13 of the Neighbourhood Plan by having three parking spaces.
- 4.3.43 Council minimum cycle parking standards are for 1 secure covered space per dwelling, with none if a garage or secure area is provided within the curtilage of each dwelling. The 3 and 4 bed dwellings would have cycle parking in their own garages, which is acceptable. The two bungalows would include a storage shed which can be used for cycle parking. Cycle parking is therefore acceptable.
- 4.3.44 Visitor parking provision requirements in the Local Plan are between 0.25 and 0.75 spaces per dwelling (rounded up to nearest whole number) with the higher standard being applied where there are no garages in the schemes and the lower standard applied where every dwelling in the scheme is to be provided with a garage. No allocated visitor parking is shown, however the driveways for each dwelling can accommodate at least one extra car above their own parking spaces, which is considered sufficient for likely visitors and is acceptable.

- 4.3.45 In the absence of objections from the Highway Authority it is considered that the proposed internal road and driveway arrangement is satisfactory and large refuse vehicles would be able to access all parts of the site required to reach refuse collection points by being able to turn around at a turning area near the listed barn.
- 4.3.46 The proposal includes little details of refuse collection arrangements, with only the Planning Layout drawing showing a bin collection point. However, this is annotated as being for the northern three dwellings but sited at the front of Plot 2, which is considered impractical as occupants of the northern dwellings are not likely to drag their bins there and back for each collection. The plots for each dwelling are however considered of a sufficient size for bins required, and sufficiently close to the access road for collection to be practicable, therefore if permission was to be granted, further details of bin storage and collection arrangements would be required by condition.
- 4.3.47 The main access drive would be primarily for vehicles with no dedicated pedestrian/cycling areas. This is not however considered objectionable as a public footpath exists that goes through the site, the development would be expected to generate only a small amount of traffic, and there have been no objections from the highways officer.
- 4.3.48 The existing public footpath would be diverted a short distance south of its present route and would link up with the rest of the path a short distance to the east of the site. While securing this legally involves a separate process, there are no objections in planning terms as the new route would be close to the existing.
- 4.3.49 Vehicular access to the development would be via the existing, with some trimming of vegetation at the entrance to provide visibility splays. The impacts of construction would be managed by a Construction Management Plan condition if permission was to be granted. Based on the absence of objections from the highways officer and the small amount of traffic likely to be generated the proposed development is considered acceptable regarding parking provision, layout, and impacts on the public highway network. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Trees and Landscaping:

- 4.3.50 Three trees are proposed to be removed, which are all small and not considered to be of such significance that they should be retained. Their losses would in any case be more than compensated by proposed new tree planting. It is not considered that the development would result in future pressures for tree removal or lopping.
- 4.3.51 The development includes new hard and soft landscaping throughout the site. The amount of hard landscaping is not considered excessive given the amount of development. Details of the materials of the various hard surfaces and boundaries have not been specified; however, it is considered that they can be required to be so by condition if permission was to be granted. Details of soft landscaping and planting would also be required by condition if permission was to be granted. The proposal is considered to comply with Local Plan Policies SP9, SP12, D1, and NE2; and Sections 12 and 15 of the NPPF.

Ecology:

- 4.3.52 The application was submitted with an Ecological Appraisal (EA) report, which found evidence of bat roosting in some of the buildings, that birds may nest in the site, and hedgehogs and polecats may also be present in the site.
- 4.3.53 The EA recommends mitigation measures in respect of these species and their habitats. The EA also states that there would be a biodiversity net gain in habitat and hedgerow units. The Council's Ecologist does not dispute the Appraisal, which is given significant weight. The Ecologist has also recommended Conditions be attached to any permission granted relating to the construction of the scheme, bats, and a landscape and ecological management plan. This is considered an acceptable approach. Impacts on ecology are considered acceptable. The proposal complies with Policies SP12 and NE4 of the Local Plan, and Section 15 of the NPPF.

Drainage and flood risk

- 4.3.54 The site is in Flood Zone 1; therefore, the proposed development is not considered to be at risk of flooding from waterways. The key material consideration is therefore whether the development would be able to provide acceptable drainage that would not result in detrimental surface water flooding inside and outside the site.
- 4.3.55 The application was submitted with a Drainage Strategy and an Outline Drainage Assessment. The Lead Local Flood Authority (LLFA) have commented on the application, have not objected, although they have suggested further information be provided. As the proposal is of a small scale on a small site, it is considered that if permission was to be granted that the further details requested by the LLFA can be required by conditions, which should ensure that drainage would be satisfactory. The proposal therefore complies with Policy NE8 of the Local Plan and Section 14 of the NPPF.

Other matters

- 4.3.56 A large number of objections have been received from residents, most of which have been addressed elsewhere in this report. Safe removal of asbestos is dealt with separately outside of the planning system. The development is not of such a size that contributions towards infrastructure are required. It is not considered that the development would adversely affect the chalk stream referred to by some of the neighbour comments due to the siting of the development in relation to it. The Environment Agency and Natural England have not commented on the application, and it is considered that if permission was recommended to be granted, that appropriate planning conditions could be used to require further details of impacts and mitigation measures if required.
- 4.3.57 Many of the objections refer to Crichel Down rules (CDR), which are non-statutory rules / guidance that regulate the disposal of surplus government land in England that has been identified for disposal being discretionary for local authorities in the absence of a ministerial power of direction, rather than planning matters which are primarily concerned with the use and physical development of land. A non-statutory 2024 Guidance on the Crichel Down Rules states that local authorities are recommended to follow the CDR.

- 4.3.58 In this application, Hertfordshire County Council (HCC) is the applicant and land owner. The land ownership certificate on the application form is considered correct as of the date of submission of the application, i.e. that HCC are the landowners. In the objections, it is stated that the land was acquired by HCC from the family of Sarah Eva.
- 4.3.59 Some of the more detailed objections state that in 2014 Wrights Farm was no longer in use by HCC, and it became surplus. The objections further state that in 2017, HCC declared that Wrights Farm was surplus; and in that 2019, an HCC Cabinet meeting reached the decision that Wrights farm was surplus and to be disposed of subject to their own conditional rules regarding approvals and processes. The objections state that the publicly available minutes of this Cabinet meeting make no mention of the CDR.
- 4.3.60 Applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. In respect of CDR, the adopted Local Plan does not contain any Policies relating to it, neither does the Pirton Neighbourhood Plan or the NPPF. Previous application 19/01275/OP and the dismissed appeal were able to be determined independently of CDR, with correspondence from the planning case officer on that file stating that CDR wasn't relevant to the planning application. No case law is evident that identifies CDR as a material planning consideration.
- 4.3.61 CDR is a separate matter to the determination of this planning application not unlike a legal covenant placed on an area of land or some other property rights. CDR is therefore not considered to be a material consideration in the determination of the application.

Climate Change Mitigation:

- 4.3.62 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste.
- 4.3.63 To assist in achieving these aims, Electric Vehicle Charging points will be required by condition to be installed on each of the proposed new dwellings if permission was to be granted. The application was not submitted with details of energy saving measures or renewable energy generation. While some efficiencies could potentially be required through building regulations compliance, it is considered that if permission was to be granted, a condition would be imposed requiring the submission of details of energy saving and renewable energy generation, which would then need to be agreed by the LPA.

4.4 Balance and Conclusion

- 4.4.1 Under the provisions of the recently revised National Planning Policy Framework the Council does not have a 5-year supply of deliverable housing land. Therefore, the tilted balance under the provisions of Paragraph 11(d) would apply. However, as it has been found that policies in the Framework relating to the conservation and enhancement of designated heritage assets provides a strong reason for refusing the development proposed, the tilted balance requiring any adverse impact of granting planning permission significantly and demonstrably outweighing the benefits is not engaged.

- 4.4.2 It is considered that the benefits that would arise from the proposed development would not outweigh the harm to the character and appearance of the countryside and therefore conflict with development plan policies and NPPF policies that seek to protect the character of the countryside. In addition, the identified public benefits of the proposed development would not outweigh the less than substantial harm identified to the significance of designated heritage assets and therefore the proposed development would not comply with the relevant policies of the adopted Local Plan policies and the NPPF and therefore it is considered that planning permission should be refused.

4.5 **Alternative Options**

- 4.5.1 None applicable.

4.6 **Pre-Commencement Conditions**

- 4.6.1 Not applicable.

5.0 **Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

- 6.1 That planning permission is resolved to be **REFUSED** for the following reasons:
1. The proposed development by reason of its size, scale, layout, design and appearance, will be harmful to the Rural Area Beyond the Green Belt and is not acceptable in principle. The proposal does not comply with Policies SP5, CGB1 and CGB4 of the Local Plan, and Policy PNP1 of the Pirton Neighbourhood Plan.
 2. The proposed development by reason of its size, scale, layout, design and appearance, will be harmful to the significance and settings of designated heritage assets, and to the character and appearance of the locality. No public benefits are apparent to justify these harms. The proposal does not comply with Policies D1 and HE1 of the Local Plan, Sections 12 and 16 of the NPPF, and Policies PNP1, 2 and 8 of the Pirton Neighbourhood Plan.

Pro-active Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Appendix 1 – Planning Application 23/02838/FP

Pirton Parish Council comments

Thank you for consulting the Pirton Parish Council on these two planning applications.

The Pirton Parish Council objects to the grant of planning permission under both applications.

We take as our starting point the reasons for refusal of the Herts County Council Appeal (HCC) to the Planning Inspectorate (APP/X1925/W/21/3274765) which we support i.e. the effect on the setting and character and appearance of the Pirton Conservation Area: the harmful effect on the designated heritage asset that is the Listed Barn; and adverse impact on the openness of the site to the surrounding countryside (harm to the rural setting). We do not think that the current proposals overcome these objections.

The site is now within Pirton's Conservation Area. The majority of the site is outside the Pirton Development Boundary. No good argument has been made by the Applicant as to why development here should be permitted outside of the Development Boundary, particularly as the proposals do not meet any of the exemptions to the Local Development Plan policy against development in rural areas outside of the Green Belt.

Highways

There are significant Highways issues, raised by HCC Highways which objects to the grant of planning permission. We support the objections of HCC Highways.

Biodiversity and Ecology

The proposals for the improvement to the biodiversity and ecology of the development site, and, indeed, the whole of the Wright's Farm site, are to be welcomed. However, much of Wrights Farm is not included in this planning application. It is not at all clear to us how the proposals by HCC affecting areas outside of the planning application(s) can be enforced, (should HCC sell the land, or indeed retain it without carrying out these improvements). During discussions with HCC in December 2023, it was suggested by HCC that the proposals for areas outside of the area included in the planning application might be secured under a Sec 106 agreement, or by planning condition. In the event that the whole of Wrights Farm being sold, again a suggestion by HCC is that the buyer would be vetted and would need to agree to act in accordance with HCC's proposals. We feel very strongly about this issue, as the "greening" of the land not subject to the application is, nonetheless, an important feature of the application. We have experienced too often how proposals change after the grant of planning permission, particularly where the land is sold on and a fresh application is made by new owners; see Cotman End, Walnut Tree Road, Pirton.

Additionally, the Ecology report of 2023 does not deal with the issue of how the Washbrook chalk stream will be affected, if at all, by these proposals. In spite of meetings between residents and HCC, and the Parish Council and HCC, absolutely no notice has been taken of the potential chalk stream – The Washbrook – that runs through the site. The historic record shows that this is a

stream which rises from a spring located on the Pirton/Shillington boundary, one arm flows east to feed the moats around Rectory Manor, then towards Wrights Farm, and is replenished by another spring on the north west corner of the site. Before the use of field drains throughout the site, and the extraction of water from the aquifers, this was a very wet area of Pirton, the original medieval farmhouse being moated (amongst other moated houses in the area). The stream was so full flowing that it turned a small water mill by the Listed Barn. It is only in very modern times that the flow has decreased for the above reasons. There is every reason to designate this as a chalk stream and to revitalise it as such.

We raise here our concern that the proposals for the use of septic tanks for the disposal of sewage may have an adverse impact on the chalk stream in the event of overflow /leak of untreated sewage from the tank. Any septic tank needs to be placed a considerable distance from the chalk stream; the current proposals place them very close to the stream.

Archaeology

There are no fresh proposals regarding Archaeology. The last report of a preapplication evaluation is now 6 years old, and does not cover much of the area proposed for construction, particularly regarding the Listed Barn and historic water mill. Both the interior of the Listed Barn and land external to the Listed Barn should be fully excavated by hand to recover the full history of its use and age. The floor of the barn in any event will need to be dug up for the installation of utilities, and so any excavation should be done archaeologically to retrieve the maximum information. There will be no second chances. Likewise, the historic map evidence for the Water Mill is clear. The area of the water mill should be carefully excavated by hand for the same reason. The usual conditions for a Written Scheme of Investigation and subsequent work should be imposed.

The Existing Farmhouse Site.

There are no objections in principle to the development of this part of the overall site, as it is within the Pirton Development Boundary, provided it meets also PNP2 regarding design, materials, respect for the local character etc. The number of dwellings proposed for the site has been reduced from three to two, presumably to address the objections from the Planning Inspector. They will be of three bedrooms, which meets PNP 2 of the Pirton Neighbourhood Plan. However, there is no clear information about the proposed heights of these properties, which is crucial in making a considered judgement on the impact of these dwellings on the openness of the countryside/rural setting, bearing in mind that it is a transition area from village to countryside. We remain surprised that HCC has never heeded the observations of Simon Ellis, former head of Development and Conservation, when giving pre-application advice as long ago as January 2019 which was for HCC to consider modest bungalows for this site.

Barn/Stables Site

The proposal here is for two modest semi-detached bungalows, using materials that will make them look like timber barns. Apart from this constituting residential development outside of the development boundary, (see above), it will simply not be possible to disguise the actual use of the buildings, not least because they will be surrounded by, as the Planning Inspector put it, all the paraphernalia of domestic dwellings e.g. car parking, shed, waste bins, and so forth.

Listed Barn

Something needs to be done to ensure the long-term future of the Listed Barn. This is not it. The result of the proposals will be of extensions dominating the listed barn. The scale of development proposed is not at all in keeping with the modest size of the listed barn. The proposed extensions are clearly of greater square meterage than the original Barn, and in places being of two storeys, completely dominate the original barn. The design proposal does not meet the criteria usually applied to barn conversions.

Surface Water Drainage

The proposals in the Drainage Report are to channel surface water into what the writers call a watercourse, which they have identified from plans and aerial photographs. This "watercourse" is the Washbrook as it runs through the site, and in our opinion, a chalk stream (see above). Contaminated water from runoff should not be diverted into the chalk stream. There is no indication that the Local Land Flood Authority will agree to this in any event, so that the application should fail on this point also.

In conclusion, there are still too many unanswered issues that prevent, in our view, this application from being granted.

Environmental Health/Protection comments

Thank you for consulting Environmental Protection on this application. This application appears to be an amended application to the previously submitted (and refused) 19/01275/OP. I have no objections to the proposals but make the following comments as follows.

Contaminated Land:

The Environmental Protection and Housing Team have no objections to the proposed development in relation to land contamination.

The application is supported by a phase 1 land contamination assessment which concludes that a phase 2 intrusive investigation is required (and potentially subsequent works). I recommend conditions to secure these additional works as set out below.

Also, the application involves the demolition of existing buildings, and there is the potential for the presence of asbestos-containing materials within these buildings (roof materials). Therefore, I would be grateful if you could include the following informative with any permission which may be awarded for this application:

Land Contamination conditions:

No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted RPS Group Ltd report dated December 2023 (Ref: JCG 25986), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

Land Contamination informative

Please ensure that all due care and attention is taken during demolition of the abovementioned building. Particular care should be taken during removal of any material considered likely to represent a hazard to human health or the environment, in particular any asbestos-containing material.

Reason: To ensure that any materials which are hazardous to health are dealt with in a manner that safeguards human health.

Noise:

The Environmental Protection and Housing Team have no objections to the proposals in relation to noise and other nuisances.

Local Air Quality:

North Herts Council have specific air quality planning guidance that can be found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-andplanning>

Application of the guidance to a development of this scale (erection of 5 dwellings) and location defines the site as being a MINOR scale development and so the following condition is recommended to ensure that appropriate local air quality mitigation is provided.

EV Recharging Infrastructure Condition

Prior to occupation, each new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

Hertfordshire County Council Countryside and Rights of Way comments

There is a Public Footpath (Pirton 012) which runs through the development site. The Footpath should be diverted so that it follows the walked line of the route along the southern side of the ditch that runs south west to north east – this is currently shown in the proposed site plan.

Careful consideration should be given to the safety of users of the public Right of Way whilst works are ongoing. If there is a need to close the route for safety reasons, then a Temporary

Traffic Regulation Order must be applied for and granted before any works take place or the path obstructed/closed.

The works on site should take public safety into careful consideration. The public footpath (Pirton 012) should remain open and unobstructed at all times. If it becomes necessary to close the path for safety reasons, then a Temporary Traffic Regulation Order must be applied for and granted before any such works can take place.

Additionally, the definitive route of Footpath 012 on the map and the actual walked line differs slightly. It would be a benefit to users for the Right of Way to be diverted so that it follows the walked path – along the south side of the ditch that runs south-west to north-east through the site, instead of the north side where it is currently marked on the Definitive Map. Diverting the route alongside the planning process would tidy up the route, protect the current used route for users, and would avoid possible complications in future if the current used route were to be claimed as an additional Right of Way.

The boundary to either side of the Right of Way shown in the plan is a positive aspect of the planned development, the surface of the path should be improved to a standard suitable for the semi-rural location – an improved unsealed-surface in line with HCCs Non-Motorised Routes guidance (available on request) should be provided as well.

Where the road into the site crosses over the footpath, care should be taken to ensure that proper sightlines are available, and a structure such as a raised table should be provided to highlight the priority of the Footpath users and encourage vehicles on the road to slow down.

Lead Local Flood Authority comments

Thank you for your consultation on the proposed erection of 2 x 3-bed dwellings with detached single garages, 2 x 2-bed bungalows and conversion of Listed Barn into 1 x 4-bed dwelling with triple detached garage following demolition of existing farm buildings with associated hard surfacing and landscaping.

As this is a non-major application, the Lead Local Flood Authority (LLFA) is not a statutory consultee however as there is an ordinary watercourse on site, we are pleased to comment.

We have reviewed the Drainage Strategy prepared by WSP reference 0037568.7094-WSPE-XX-XX-RP-C-0001-P01, dated 18 October 2024.

Drainage design

We understand the design has been updated to use an offline detention basin, with discharge restricted to 2l/s. Filter drains are proposed adjacent to the access road to provide surface water capture, conveyance and treatment.

We would advise the LPA that while the proposed detention basin will provide 160m³ of attenuation storage, it will be dry most of the time. We are supportive of the proposed 1:3 side slopes and 300mm freeboard. As an offline feature (meaning surface water flows will not ordinarily be conveyed through the basin but will “back up” to it during more severe storms), the basin will provide limited benefits in addition to the surface water attenuation. We recommend that the design could consider a permanent water level in the basin which could provide biodiversity benefits through an appropriate planting regime, as well as enhanced amenity value.

We have no objection to the proposed use of grasscrete however would stress the importance of keeping it maintained. If insufficiently maintained, grasscrete can become compacted and effectively impermeable.

We note that the red line boundary on the latest drainage strategy excludes the detention basin. In the previously reviewed drainage strategy prepared by Wood, the red line boundary did include the basin. We highly recommend that the LPA consider whether the basin should be within the red line boundary, as creation of a basin is likely to constitute engineering works that may require planning permission. If the basin will be located outside of the red line boundary, it is critical that the land including the basin is legally secured such that it cannot be removed for the lifetime of the development.

We would highly recommend that retrofit-style SuDS are considered in the design, and we welcome the use of filter drains. The proposed plots could be served by SuDS planters at the end of downpipes to provide a further element of surface water attenuation and treatment at source, as well as benefits to amenity and biodiversity. Similarly, tree pits and rain gardens could be used on site to provide further benefits to surface water management.

Ordinary watercourse

It is unclear if the risk of flooding from the ordinary watercourse itself has been considered – although it does not have formally recognised flood zones like a main river, it is likely to have its own flood plain which should be considered. Mindful of the proximity of the basin to the watercourse, it is important to ensure that the basin would not become compromised by flood waters from the ordinary watercourse during rainfall, which could prohibit the rest of the site from draining.

Discharge to this watercourse is acceptable in principle however all runoff and particularly road runoff must receive multiple stages of treatment preferably using source control SuDS such as permeable paving or a swale, then through the site control attenuation basins. We welcome the water quality benefit provided by the filter drains and the basin, however not all runoff will benefit from both stages of treatment as the basin is offline. Accordingly, we recommend that clarification is provided to confirm how suitable surface water treatment will be provided. The LPA may wish to consider that this site is not likely to experience significant vehicle movements.

Please note that there is a requirement for Land Drainage Consent under the Land Drainage Act 1991 before works to the ordinary watercourse can take place.

Calculations

We thank the applicant for providing updated calculations using FEH2013 and CV of 1. We note the applicant states that a 35% allowance for the 1 in 30-year event has been applied, but it seems the calculations for this return period are missing.

Please note if the LPA decide to grant planning permission, we wish to be notified for our records.

HCC Archaeology comments

Please note that the following advice is based on the policies contained in the National Planning Policy Framework.

As previously advised on planning application 1/19/1275/OP, the proposed development

is located within an Area of Archaeological Significance, as identified in the Local Plan. The present buildings of Wrights Farm stand to the north of a partly infilled medieval moat which once surrounded an earlier farmhouse (known as Haxham's when it was sold in 1879, and demolished in about 1968). The farm buildings include one surviving premodern building, a tiled barn which dates to the 18th century or earlier.

Supporting documentation submitted with this application include an archaeological deskbased assessment (Land at Wrights Farm, Pirton, Hertfordshire, CgMs 2018), and a report on the recent pre-application trial trench evaluation of the site, by Headland Archaeology (Wright's Farm, Pirton, Hertfordshire. Archaeological Evaluation, May 2019).

The evaluation comprised six trial trenches located both in the farmyard, and adjacent to the modern farmhouse. A number of features were identified that contained archaeological deposits dating from the Roman to post-medieval periods. Two features which may date to the early Roman period were recorded in Trench 2 (though they may indicate activity in the near vicinity) and a number of features in Trenches 1, 2 and 5 containing medieval pottery and roof tile suggest occupation and activity at Wrights Farm from at least the 13th century onwards. This supports the suggestion that the postmedieval farmstead has medieval origins.

The evaluation trenches have also established that despite the presence of modern made ground in Trenches 2, 3 and 4 moderately well preserved archaeological remains are present on the site. Features of possible Roman, and medieval date were present at relatively shallow depth, and the development is likely to have a significant impact upon them.

The site therefore has very high potential to contain archaeological remains dating to the medieval and post-medieval periods. It also has moderate potential to contain archaeological remains dating to the Roman period.

I believe that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:

1. The archaeological historic building recording of the listed barn, to Historic England Level 3, prior to any development taking place;
2. The archaeological investigation, via 'strip, map and sample' to the archaeological horizon, of the footprints of the proposed new dwellings, and of any areas subject to significant ground reduction. This should occur prior to any development taking place and include a contingency for the preservation of any remains encountered;
3. the archaeological monitoring of all other groundworks related to the development, including driveways, service trenches, hard landscaping, sustainable drainage systems, and all other ground impact, including a contingency for preservation or further excavation of any remains encountered;
4. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results, as appropriate;
5. such other provisions as may be necessary to protect the archaeological interests of the site;

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 16 (para. 211, etc.) of the National Planning Policy Framework. In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

- 1. The programme and methodology of site investigation and recording*
- 2. The programme and methodology of site investigation and recording as suggested by the evaluation*
- 3. The programme for post investigation assessment*
- 4. Provision to be made for analysis of the site investigation and recording*
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation*
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations, and to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work.

HCC Highways Officer comments

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Condition1: Access Arrangement and Footway

Prior to the first occupation the development hereby permitted the vehicular access arrangement and footway as indicated for improvement on drawing number (Ref-ST3601-700A) shall be completed with full satisfaction of LPA in consultation with the highways. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 2: Footway 12 Diversion:

Prior to the first occupation the development hereby permitted the existing Footpath 12 shall be relocated as indicated on the proposed drawing (Ref- ST-3601-701) and Definite Map must be upgraded accordingly with full satisfaction and consultation with LPA and HCC's RoW team.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 114 –116 of the NPPF (December 2023) and Policy 1, 7 and 8 of HCC's LTP4

Condition 3 Visibility:

Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number (Ref- ST3601-700A) The splay shall always thereafter be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Roads in Hertfordshire, Section 4, 2.3

Condition 4: Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of the following:

- Construction vehicle numbers, type, routing;
- Traffic management requirements.
- Construction and storage compounds (including areas designated for car parking);
- Cleaning of site entrances, site tracks and the adjacent public highway
- Demolition and removal plan for the exiting house
- Timing of construction activities to avoid school picks up/drop off times;
- Provision of sufficient on-site parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway

Reason: In order to protect highway safety and the amenity of other users of the public highway

COMMENTS:

Further to my refusal recommendation comments provided on 25/04/2024, the applicant submitted a set of additional documents including Transport Note (Ref- ST36-1/TN2406) for highway consideration.

Additional documents include, 'Transport Note (Ref- ST36-1/TN2406)' 'Stage 1 Road Safety Audit Report', Tracking diagram for private refuse collection vehicle and delivery vans and proposal for relocation of the Footpath 12 etc.

This is a full planning application for erection of 2 x 3-bed dwellings with detached single garages, 2 x 2-bed bungalows and conversion of Listed Barn into 1 x 4-bed dwelling with triple detached garage following demolition of existing farm buildings. The application site has previous planning history (Ref-NH/168/2019 -LPA Ref- 19/01275/OP) which was refused by the NHDC.

The key documents used to assess the application are;

- National Planning Policy Framework (Dec 2023).
- Hertfordshire County Council's (HCC) Local Transport Plan-4 [2018-2031, May2018]
- HCC's Place & Movement Planning Design Guidance adopted in March 2024
- Manual For Street (MfS1 2007)
- North Herts Local Planning policy [2011-2031]

The application site can be accessed via a private track road off Shillington Road in Pirton. Shillington Road is designated as an unnumbered classified local access road type-C, subject to a speed limit of 30mph and is highway maintainable at public expense.

HIGHWAY IMPACTS:

1.Vehicular Access and Access Road

Para 4.1 of the Transport Note states that a shared surface for the first 20m from the main access with Shillington Road along the existing unadopted private track road will be provided. The proposal also includes to provide few passing bays to ease crossing two cars and a 1.2m wide footways along this private track road. The full access arrangement is shown the drawing (Ref ST3601-700A) which is much better than previous and this arrangement ensures that the minimum width 3.7m is provided for emergency vehicles movements. The Highway Authority considers that this access arrangement will be acceptable in the highway terms. A condition-1 is recommended to make sure that this arrangement is fully implemented before first use of the development.

2.Accessibility for Large Vehicles (refuse collection and delivery vans)

Para 4.4 of the Transport Note confirms that a private provision is made for on-site refuse bin collection and a swept path analysis is submitted for an 8.5m long vehicle. However, refuse collection arrangement is a matter of the Local Planning Authority need to agree with the application whether this private arrangement is acceptable.

3.Footpath 12 Relocation:

The existing Public Footpath 12 runs across the application site from through the application site from Shillington Road to Burge End Lane. In para 4.9 of the Transport Note says that "The proposal is to create a 6m corridor for the footpath as it crosses the site. Therefore, a diversion of Footpath 12 is necessary to ensure the Definitive Map matches the actual alignment of the footpath, as in practice. The proposed alteration is shown in the drawing Proposed Public Right of Way Alteration ST-3601-701, as attached to this document".

The fact that the Definitive Route runs through part of the ditch and is likely to be difficult to reinstate means that there will be a stronger case for diverting the route. There is no guarantee that a Definitive Map Modification Order application will be successful, and it costs money and takes time. However, moving the Right of Way requires the completion of a formal legal process, as well as cost, and there is no guarantee that the application will be successful.

The Highway Authority recommends that the applicant applies for a Definitive Map Modification Order under the Highways Act 1980 (S119) to divert the footpath onto the proposed route. An application under the Highways Act 1980 would be the most feasible option to divert the footpath (please see link below). More information about how the process works can be found on our website here: [Diversion, creation, extinguishment and modification applications | Hertfordshire County Council](#)

As for the road crossing, we would like to see a raised road surface where the road crosses the footpath and good sight lines in both directions, this will highlight the priority of the existing Right of Way and encourage road users to slow down. I would expect that the development would deliver a safe crossing point and diversion of the footpath, perhaps

improving the surfacing and width of the footpath outside the development boundary and other links in the area.

4. Visibility:

The submitted stage 1 Road Safety Audit report for the main site access with Shillington Road raised concerns about visibility. The applicant has accepted these issues and agreed to resolve. Therefore, a condition 3 is recommended to provide the required visibility as recommended in RSA and shown on the drawing (Ref ST3601-700A)

5. Vehicle Parking

It has been considered that the parking provision as shown the drawing (Ref-ST3601-700A) is acceptable the highway terms. However, North Herts District Council is parking authority to determine the level of onsite parking for any development.

6. Traffic Generation

TRICS outputs are provided in the table 3.1 which show that there will be three two-way trips in both the AM and PM peaks due to the proposed development. With the context of current usage, the proposed development of five dwellings would not have a significant impact on the local highway network.

7. Cycle Parking:

The plans fail to show any cycle parking shelter / store on site. The provision of well-located, safe, and secure cycle parking for residents and visitors is a key factor in encouraging people to cycle as an alternative to using the private car. In accordance with the adopted NHDC standards at least one long stay (residents') spaces should be provided per dwellings for residents. It should be in the form of lit, lockable, and weather resistant cycle lockers or stores and be sited away from bin stores.

8. Conclusion:

In summary, Hertfordshire County Council as Highway Authority has considered that the proposal would not have significant impacts on the safety and operation of the adjoining highways. Therefore, HCC has no objection to the proposal on highway grounds subject to approval of the following conditions and information listed in the beginning.

Conservation Officer comments

1.0 Recommendation

- 1.1 In determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness (para 203). Furthermore, great weight should be given to the conservation of Designated Heritage Assets (para 205, NPPF) and any harm to, or loss of, the significance of a designated heritage asset from development within its setting requires clear and convincing justification (para 206).
- 1.2 Although of acceptable appearance in design terms, it is considered that the 2 x 3-bed dwellings would erode the spacious qualities of the plot, which contributes positively to the transition to the open and undeveloped backdrop of the houses within the Pirton Conservation Area (PCA) and the rural setting of the village. In addition, the two-storey overtly domestic appearance of the barn addition including 3no. dormer windows and chimney stack together with introducing 10no. new windows openings and 4no. roof lights to the grade II listed barn, will erode this building's significance as a late C18 timber-framed barn of vernacular construction. I have also commented below on the appearance of Plots 3 & 4.

- 1.3 I do not take the view that this is a high quality and responsive scheme, and that harm would be occasioned to the listed barn, its setting and to the character and appearance of the PCA. On this basis, I raise an **OBJECTION** as the scheme fails to satisfy Sections 66(1) and 72(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031. The public benefit would be to find an optimum viable use for the barn but I conclude that this on its own is insufficient to outweigh the great weight to be given to the less than substantial harm I have identified.

2.0 Introduction

- 2.1 The barn at Wrights Farm is grade II listed (added to the Statutory List on 29.01.2020 – see Appendix A). The barn was previously located outside the PCA but is now included and at page 20 of the Pirton Conservation Area Character Appraisal and Management Plan (March 2023) (“PCACAMP”) prepared by Place Services, the following is noted (my highlights in bold):

*The Wright’s Farm Barn [Figure 16] was designated as a Grade II listed building in 2020. Dating from the late eighteenth century, the barn is an important surviving example of regional vernacular architecture. As part of this appraisal, the Conservation Area boundary has been amended to include this barn and the other remaining buildings at Wrights Farm, including associated fields, within the Conservation Area. This means that the boundary now extends across the far northern edge of the village, whereby the Wrights Farm complex was previously excluded. This section of the village is known as Burge End, with the fields surrounding Wrights Farm having historical links to the agricultural heritage of the village. Within this complex of buildings, the listed barn is surrounded by buildings of a low architectural and historic value. **Sensitive redevelopment of the site would be beneficial to the setting of the listed barn.***

- 2.2 Furthermore, at page 65 of the PCACAMP under the subheading ‘Opportunity Sites’ it says:

There are some opportunity sites across the Conservation Area which, if sensitively redeveloped, may enhance the character and appearance of the Conservation Area. Sites which may provide opportunity for enhancement include those where premises or buildings are empty, back land areas or corner plots.

Wright’s Farm, in the northern section of the Conservation Area, would benefit from some form of sensitive redevelopment which allows for the reuse of the listed barn. A masterplan for the site would be highly beneficial, which should be informed by a heritage statement which considers the significance of the barn, remaining structures and their setting.

- 2.3 The area and the building are designated heritage assets for the purpose of applying the aims of Section 16 of the NPPF.
- 2.4 Although the Conservation Team were not consulted on ref: 18/02904/PRE for ‘Residential development and barn conversion’, I note the following in the case officer’s response (once gain my highlighting in bold):

*PNP2 states that any development should consider the distinct local and rural character of the village, and that developments to the edge of the village should ‘maintain a mix of open spaces, trees and varied housing layout’ to retain a soft edge to the village. As no detailed elevation plans have been submitted, I cannot provide detailed comments on the design merits of the scheme. **However, should the existing 18th Century barn be converted, we would support sensitive alterations to enable this.** For example, retention of historic*

features and fittings, with appropriately positioned openings. Glazing to the upper parts of the barn including rooflights should be avoided, or sensitively designed.

Erecting dwellings of an appropriate massing and scale, detailed design, and relationship to the surrounding area would be supported, in accordance with Policy D1 of the emerging Local Plan, and Section 12 of the NPPF. Consideration should be given to the setting, partly beyond the village boundary, and bordering on the Conservation Area to the south.

- 2.5 However, I provided comments under ref: 19/01275/OP for 'Erection of four dwellings following demolition of existing farmhouse and associated farm buildings (all matters reserved except access) (amended description and plans received on 01/07/20 and 10/07/20)' and which was dismissed at appeal on 22 February 2022.
- 2.6 The appeal decision provides to an extent, a 'framework' for what may be considered an acceptable form of development on this site, and I refer to the following:
The farm building to the north of the site is of a simple form and relatively low in the landscape, it is therefore reminiscent of many agricultural buildings found within the countryside. The farmhouse is also spaciouly arranged within its curtilage and partially enclosed by mature planting. While both buildings do not exhibit architectural qualities that make a positive contribution to the setting of the Pirton Conservation Area (PCA), the listed barn or the openness and character of the countryside, they are not harmful to them and have a neutral effect. (Para 11)

As far as is relevant to this appeal, the significance of the PCA today is principally derived from the considerably positive contribution made to its character and appearance by the arrangement of high-quality buildings set within mature landscaped plots. **The open and undeveloped backdrop also contributes to the character and appearance of the PCA and the overall rural setting of the village.** While the existing farmhouse is an outlier from the established linear form of development, it is set within a spacious and verdant plot, which provides a transition from the more densely arranged dwellings at the road frontage to the countryside beyond. (Para 13)

The proposed dwelling closest to the listed barn could be designed to have the appearance of a rural building, which could also be smaller than the existing farm building. It could therefore maintain the existing long-established cluster of built form projecting into the countryside. (Para 14).

The indicative layout of the dwellings within the curtilage of the farmhouse would share similarities with the spacing of houses in Shillington Road, but their layout behind the linear frontage would not be akin to the established grain of development. **They would also erode the spacious qualities of the plot, which contributes positively to the transition to the open and undeveloped backdrop of the houses within the PCA and the rural setting of the village. Conversely, the effect on the setting of the barn is likely to be limited given the grouping of the dwellings close to the existing houses in the village.** (Para 15)

- 2.7 Below is the scheme considered under ref: 19/01275/OP indicating four dwellings to the south of the barn. The listed barn sits to the north and beyond the application site and the Inspector describes the barn as a "little-altered and substantially intact example of the region's vernacular building traditions and the only remaining building from an earlier significantly more extensive parallel range of buildings with the farmstead". The Inspector continues by stating that "As far as it is relevant to the appeal before me, I find the significance of the listed building to be found in its architectural and historic interest, as a 17th Century timber-framed barn of vernacular construction".



3.0 The Local Plan and NPPF

3.1 I have been consulted on the heritage merits of this case, and I leave other policy matters to the case officer. It is important, however, to evaluate the significance of the barn and that the proposals are considered in the context of Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031 and government policy guidance including the following paragraphs of the NPPF (Dec 2023 version):

- **200** (local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting)
- **203** (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. desirability of new development making a positive contribution to local character and distinctiveness),
- **205** (great weight should be given to the asset's conservation),
- **206** (clear and convincing justification), and
- **208** (harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use).

4.0 Erection of 2 x 3-bed dwellings with detached single garages, 2 x 2-bed bungalows and conversion of Listed Barn into 1 x 4-bed dwelling with triple detached garage following demolition of existing farm buildings with associated hard surfacing and landscaping.

4.1 Below is the scheme currently under consideration and which now includes the barn. Four dwellings continue to be shown to the south of the barn. There are essentially 4 development sites: Plots 1 & 2, Plots 3 & 4, Plot 5 and the stable range.



4.2 Looking at Plots 1 & 2 first, whilst I note this is the site of the existing later-built farmhouse and whilst the existing dwelling has a neutral impact upon the character and appearance of the area, I am unconvinced that replacing this building with two albeit, in my opinion, better designed dwellings is entirely appropriate here. The doubling up of driveway access points, garaging and bin storage etc and reduced rear garden curtilages is such that this has a significant impact upon the character of the site. Considering the Inspector's comment that the previously proposed three dwellings would *"erode the spacious qualities of the plot, which contributes positively to the transition to the open and undeveloped backdrop of the houses within the PCA and the rural setting of the village"*, I am minded to suggest the following:

- Seek to retain a more spacious character by changing from the 2 x 3-bed proposal to perhaps a 1 x 4-bed with double garage parking i.e. a better singular designed version of what exists.

4.3 The above would also maintain the narrative of a 'farmhouse' rather than 'farmhouses' at the gateway to this former agrarian site.



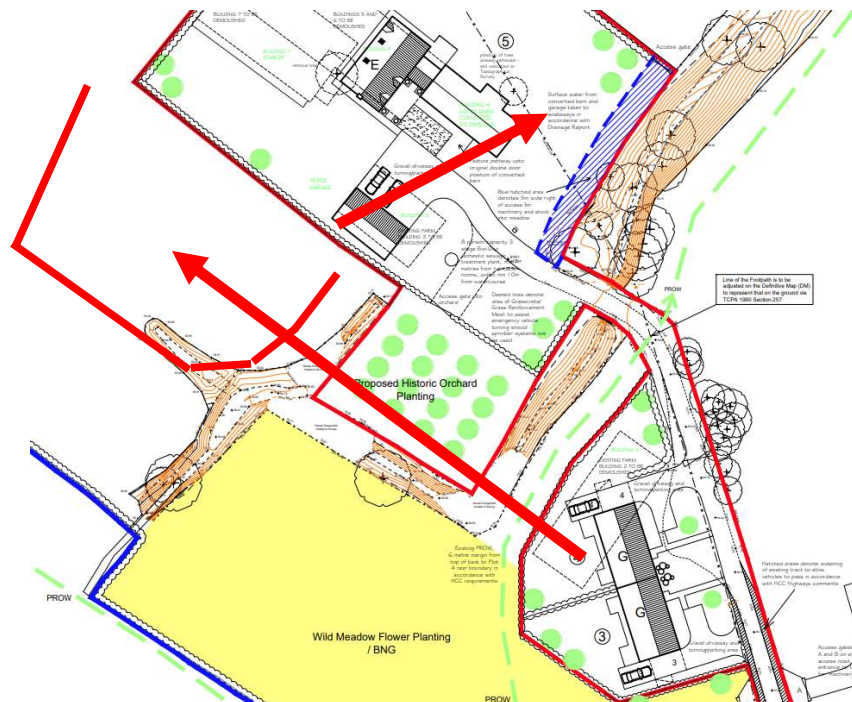
4.4 Moving on to Plots 3 & 4, I note the Inspector's comment that a proposed dwelling closest to the listed barn *"could be designed to have the appearance of a rural building, which could also be smaller than the existing farm building"*. Although the height of this built form has been taken into account, the number of units has doubled

to create a 23.6m long built form. Whilst this still has the potential to work I am unconvinced by:

- **The change in wall finish** - I think the building would read better as a single entity with a uniformed wall finish. Unless there is a slight increase in the ridge height of one unit to define these as two entities. If, however, a continuous ridge is retained I would suggest a boarded finish and brick plinth throughout.
- **The larger glazed openings on the front elevation** - unless the end bays are perhaps expressed as oak-framed, former open-bays with knee braces and with a glazed infill a sone would find with a conversion scheme.



- 4.5 Although the Inspector did not rule out a dwelling where Plots 3 and 4 are shown, considering the more intensive use now proposed and the more elongated form, I question whether it would be more to increase the Wild Meadow area where Plots 3 & 4 are currently and to relocate these units to sit parallel with the main barn (would require a change to the application site boundary as shown below). This would reinforce an agrarian grouping, introduce more openness to the south and in front of the listed barn and pay homage to the earlier layout of buildings as noted on the 1882 map regression. This would require the triple garage to Plot 5 to be relocated.



- 4.6 With respect to Plot 5, whilst there are occasions in the district where a barn is attached or linked to the house i.e., at Thistley Farm, Gosmore and Lower Green Farm, Ickleford, this is not the norm. Generally, agrarian buildings are either purposefully built i.e., Model Farm layout or are clustered together through time and use. The current site is neither of these. Considering the Inspector's remarks in respect of a smaller building to the south which would respect the barn's significance on the site, it would not seem right to entertain a two-storey overtly domestic building appearing alongside the barn as indicated below. In my opinion, this approach is fundamentally flawed.

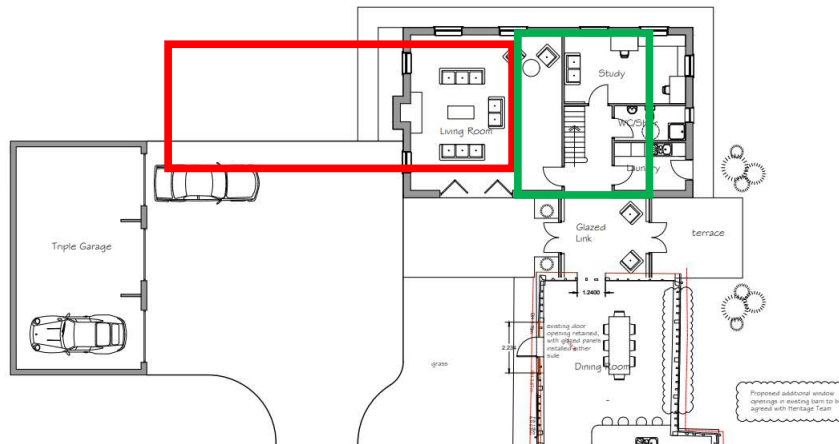


- 4.7 I turn again to the Inspector's decision and the following:

.... addressing the potential impacts of decline associated with the absence of a current use of the site, should not be at all costs, as this should come in the form of a development that is of high quality and responsive to its context. (Para 28)

The retention of the listed barn is undoubtedly a key consideration, but the appeal scheme does not directly relate to it.... there is no indication that the proposal would be enabling development in connection with works to the listed building. The fact that the appeal site and the listed barn are within the same ownership also does not provide any certainty that the barn would be safeguarded from harm associated with the proposal. (Para 29)

- 4.8 I have looked carefully at the proposed development here and where 4 bedrooms are proposed at first floor with living room / study / WC & shower / Laundry on the ground floor. The barn is shown with a ground floor providing a large dining space, kitchen, and family room. In my opinion, a **high quality and responsive scheme** attached to the main barn that would also maintain a greater sense of openness would need to potentially come in the form of a single-storey, subservient range. Therefore, whilst I am happy to consider a glazed link, I am not prepared to support the two-storey build.
- 4.9 In my opinion, a 1½ storey new build where the study / WC / laundry is with perhaps a staircase serving a Master Bedroom over but with a reduce headroom (green outlined section below) may work but then I would be seeking a step down to a narrower single-storey section to provide further bedroom / bathroom accommodation (red outline). This arrangement would clearly require the triple garage to be repositioned. This suggested single-storey section would complement the height and form of the said garage.

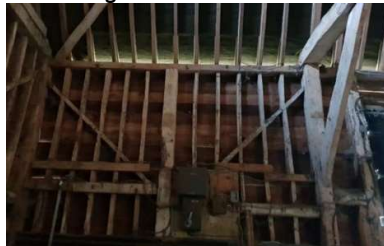


- 4.10 With respect to the main barn I note the following at 6.14 of the submitted Planning, Design and Access Statement

*The proposed dwelling which is intended to ensure a viable future for the listed barn is again constructed of brick and tile. It is envisaged that the brick choice will match the other buildings, but a discussion is invited on this point. The connection to the barn has been minimised so as to protect the barn structure as much as possible. A single storey glazed link in oak framing is proposed to transition between the new and the old buildings. **Other intrusions into the barn have been kept to a minimum to provide adequate daylight.** The interior space will be preserved as a single clear span so that sight of the barn framing is preserved.*

- 4.11 The idea of maintaining the barn's interior space is commendable, however, should the suggestion of reducing the height of the adjacent new build be problematic I am prepared to consider (if it works internally) a mezzanine over the family room.
- 4.12 It is unclear from the submission as to what effect the 10no. new glazed openings in the walls would have on the existing frame. For instance, to the two smaller windows on the front elevation would appear to interfere with the either studwork, diagonal braces or the larger horizontal sections of framing in the image below (photo 15 of the Structural Condition Report). This should be established before proceeding further and the following is noted at 4.2.6 of the aforementioned report:

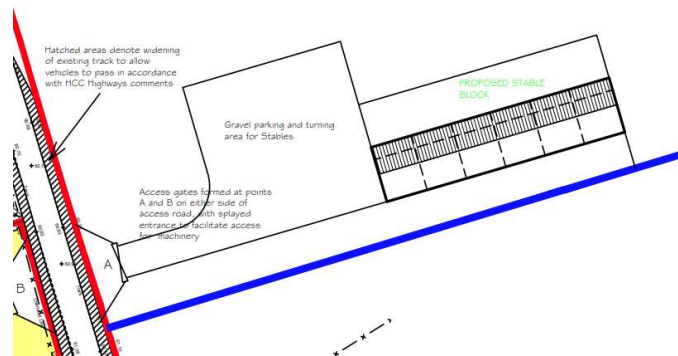
Where additional openings are proposed, either to the gable or within the wall structure, further strengthening would likely be required to the timber frame by doubling up of studs and rafters, for example. Sufficiently sized headers should be provided, supported off these doubled up members to provide a lintel detail. This detail would need to be confirmed by Structural Engineer's calculations. Any large openings will require checking to ascertain the panel is still sufficient to prevent racking.



- 4.13 I am also unconvinced that the intrusions are kept to the minimum considering that there would be no new openings in the rear wall and 4 no. new openings in the front wall (if counting the glazing either side of the existing personnel door). I am not convinced that the dining room need be served by 6 no. openings and for this reason I suggest that glazing could perhaps be inserted where the small door opening is on the front elevation and the door retained in an open position (like a shutter). Similarly retaining larger barn doors in a pinned back 'open' position serving the larger glazed opening would be sympathetic to the barn's agrarian character and would probably require the proposed left-hand smaller window in the front elevation to be omitted.



- 4.14 At 4.2.3 to 4.2.5 of the Structural Condition Report it refers to the measures that may be necessary if the barn is to accommodate a first floor. However, this is not currently the case, so I make no further comment at this stage.
- 4.15 Finally, and with respect to the stable range, these are not mentioned in the proposal and fall outside the red line of the application. Is this a separate proposal, if so, I question whether the surrounding land is capable of accommodating 6 no. horses and secondly, where are the hay storage/tack facilities to be located?



In my opinion, considering paragraph 15 of the appeal decision which reads as follows I consider that Plots 1 & 2 would occasion moderate harm on the 'less than substantial harm' continuum: *The indicative layout of the dwellings within the curtilage of the farmhouse would share similarities with the spacing of houses in Shillington Road, but their layout behind the linear frontage would not be akin to the established grain of development. They would also erode the spacious qualities of the plot, which contributes positively to the transition to the open and undeveloped backdrop of the houses within the PCA and the rural setting of the village. Conversely, the effect on the setting of the barn is likely to be limited given the grouping of the dwellings close to the existing houses in the village.*

With respect to the dwelling types on Plots 3 & 4 I advise that the degree of harm would be relatively low in heritage terms.

Please note that ref: 23/02838/FP still refers to 'conversion of Listed Barn into 1 x 4-bed dwelling' whereas ref: 24/00708/LBC refers 'Two storey extension and internal and external alterations to existing agricultural barn to facilitate conversion into one 4-bed dwelling'. The FP should include two-storey extension and this would result in a moderate to high degree of harm in heritage terms.

NHDC Ecologist comments

This application would not be subject to mandatory Biodiversity Net Gain but should still be policy compliant in terms of NE4 in the North Herts Local Plan which calls for development to deliver measurable net gains for biodiversity and contribute to ecological networks.

Having looked at the documents proposals for habitat creation including an orchard are welcomed. The planning layout (below) indicates the proposed wildflower meadow, BNG enhancement, as outside of the red line but the orchard – also a BNG enhancement - as within the red line boundary. The application is not subject to mandatory biodiversity net gain but there is still an expectation that it would be delivered and secured. My understanding is that if it's not within the red line boundary it will be difficult to add conditions such as a LEMP which I'm minded to recommend as without this there is no guarantee that the habitats would be managed appropriately.

In addition opportunities to secure on plot enhancements should be considered, such as the inclusion of integrated bat, bird and bee bricks.

The October 2023 Ecological Appraisal makes recommendation for sensitive ways of working to ensure protection of nesting birds, hedgehogs and polecats so to guide and secure such measures a Precautionary Method of Working (PMW) is advised, suggested wording follows;

No development shall take place (including any, ground works, site clearance) until an ecological Precautionary Method of Working (PMW) has been submitted to and approved in writing by the local planning authority. The PMW shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved PMW shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

As mentioned above, the conditioning of a LEMP is advised.

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.*

- b) Aims and objectives of management.*
- c) Appropriate management options for achieving aims and objectives.*
- d) Prescriptions for management actions.*
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- f) Details of the body or organization responsible for implementation of the plan.*
- g) Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

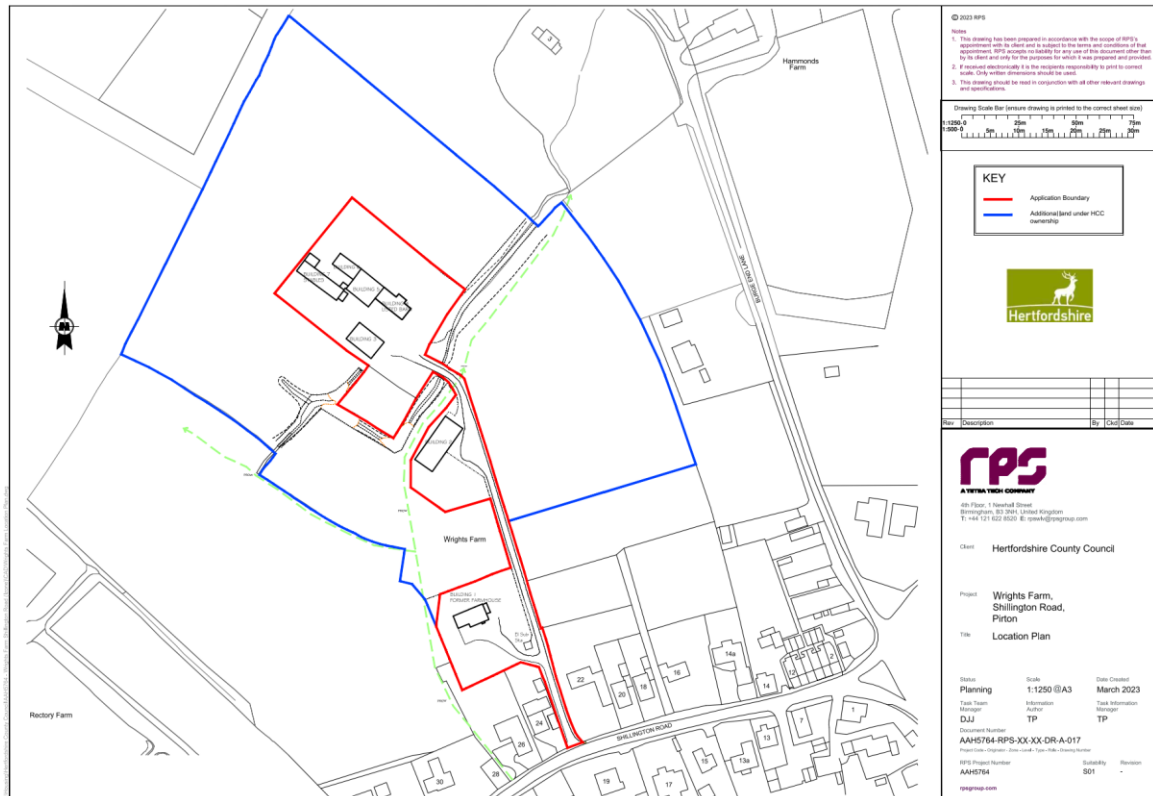
The previous bat surveys from 2018, 2021 and 2023 identified bat interest in the site and the Ecological Appraisal advises mitigation measures will be required to prevent harm to protected species as a result of the redevelopment. To ensure works proceed lawfully an European Protected Species Mitigation (EPSM) licence will be required, the following condition is therefore recommended;

No works are in any circumstances to commence unless the local planning authority has been provided with either:

- a licence issued by Natural England authorizing the specified activity/development to go ahead; or*
- a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.*

Reason: To ensure that works do not result in adverse impacts to protected species.

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<u>Location:</u>	Wrights Farm Shillington Road Pirton Hitchin Hertfordshire SG5 3QJ
<u>Applicant:</u>	Ms Anna Mayers
<u>Proposal:</u>	Two storey extension and internal and external alterations to existing agricultural barn to facilitate conversion into one 4-bed dwelling.
<u>Ref. No:</u>	24/00708/LBC
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

21 May 2024

Extension of statutory period:

31 October 2024

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of being linked to parallel and related planning application 23/02838/FP, with that development being residential development with a site area of 0.5 hectares or greater, as set out in 8.4.5 of the Council's Scheme of Delegation.

1.0 Relevant Site History

- 1.1 19/01275/OP - Erection of four dwellings following demolition of existing farmhouse and associated farm buildings (all matters reserved except access) (amended description and plans received on 01/07/20 and 10/07/20) - Refused 11/01/21 for:
1. The proposal by reason of its type, location and visual impacts would be unacceptable in the Rural Area Beyond the Green Belt and would result in harm to the character and appearance of the locality. There would be additional harm to the setting and significance of designated heritage assets being a grade II listed building and Conservation Area resulting in intrusive impacts and an inappropriate form of development. The proposal would therefore be contrary to Policies 6, 7 and 57 of the

North Hertfordshire District Local Plan No. 2 with Alterations; Policies PNP 1, 2 and 8 of the Pirton Neighbourhood Plan; Policies SP1, SP2, SP5, SP9, SP13, CGB1, CGB4, D1 and HE1 of the emerging Local Plan; and National Planning Policy Framework Sections 12 and 16.

Appeal dismissed 22/02/22.

2.0 Policies

2.1 North Herts Local Plan 2011 - 2031

Policy SP13: Historic Environment

Policy HE1: Designated heritage assets

2.2 National Planning Policy Framework

Section 16 – Conserving and enhancing the historic environment

2.3 Pirton Neighbourhood Development Plan

Policy PNP 8 - Heritage Assets and Archaeological Heritage

3.0 Representations

3.1 Neighbouring Properties:

The application has been advertised via neighbour notification letters, the display of a site Notice, and a press notice. At the time of finalising this report, 50 objections had been received. The objections received were on the following grounds:

- Disproportionately large extensions.
- Inappropriate. Will degrade the barn.
- Large garage incompletely described.
- In the Conservation Area.
- Outside the village boundary.
- Contrary to the Neighbourhood Plan.
- Within a Pirton Character Area.
- Transitional between village and countryside.
- A precedent must not be set.
- No need for new houses.
- Smaller houses are needed.
- Errors and inaccuracies.
- Site is subject to Crichel Down rules.
- Conflicts with “Managing Public Money” guidance.
- Should be rejected, like other applications nearby.
- No guarantee that requirements of conditions are implemented.
- Vehicle access inadequate. Safety concerns.
- Neglected habitats should be restored.
- Impacts on chalk stream.
- Sewerage can't cope.

- Lack of infrastructure.
- Potential asbestos.
- In an area of archaeological significance.
- Little detail of biodiversity improvements.

Consultees

3.2 Parish Council

The Pirton Parish Council objects to the grant of planning permission under both applications.

We take as our starting point the reasons for refusal of the Herts County Council Appeal (HCC) to the Planning Inspectorate (APP/X1925/W/21/3274765) which we support i.e. the effect on the setting and character and appearance of the Pirton Conservation Area: the harmful effect on the designated heritage asset that is the Listed Barn; and adverse impact on the openness of the site to the surrounding countryside (harm to the rural setting). We do not think that the current proposals overcome these objections.

Listed Barn

Something needs to be done to ensure the long-term future of the Listed Barn. This is not it. The result of the proposals will be of extensions dominating the listed barn. The scale of development proposed is not at all in keeping with the modest size of the listed barn. The proposed extensions are clearly of greater square meterage than the original Barn, and in places being of two storeys, completely dominate the original barn. The design proposal does not meet the criteria usually applied to barn conversions.

(Full comments from the Parish Council are in Appendix 1 of this report).

3.3 Conservation Officer

The two-storey overtly domestic appearance of the barn addition including 3no. dormer windows and chimney stack together with introducing 10no. new windows openings and 4no. roof lights to the grade II listed barn, will erode this building's significance as a late C18 timber-framed barn of vernacular construction.

I do not take the view that this is a high quality and responsive scheme, and that harm would be occasioned to the listed barn and to the character and appearance of the PCA. On this basis, I raise an **OBJECTION** as the scheme fails to satisfy Sections 16(2) and 72(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031. The public benefit would be to find an optimum viable use for the barn but I conclude that this on its own is insufficient to outweigh the great weight to be given to the less than substantial harm I have identified.

(Full comments from the Conservation Officer are in Appendix 1 of this report).

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The site comprises an access road that leads to Wrights Farm, which is no longer in use. The northern cluster of buildings includes a Grade II listed barn, the only listed building on the site, and the subject of this Listed Building Consent application. The listed barn has a tiled roof and timber walls.
- 4.1.2 The other buildings in the northern part of the site are an unlisted modern barn, stables and a livestock building. A short distance to the south is a former livestock shed. A greater distance further south is a two storey dwelling, the former farmhouse which is not lived in or in use. The site continues south down the access to where it joins Shillington Road.
- 4.1.3 The buildings north of the farmhouse are considered to be in open countryside, which has a rural agricultural character. This northern two-thirds of the site is in the Rural Area Beyond the Green Belt. The farmhouse and access in the southern third are in the Pirton Settlement Boundary (a Category A Village in the Local Plan), and are considered to appear as being within Pirton, albeit on the northern edge. The whole site is in the Pirton Conservation Area. A small number of dwellings are to the east and NE of the listed barn. The site passes over a stream where it turns NW after Building 2 (the site is in Flood Zone 1). A public right of way extends to the west of the site before crossing through it in a NE direction to the south of the listed barn.

4.2 **Proposal**

- 4.2.1 Listed Building Consent (LBC) is sought for a two and single storey extension to the barn in association with the conversion of the barn, to create a four bedroom dwelling. This would include internal and external alterations, including new openings. The barn would be used as a dining room, kitchen, and family room.
- 4.2.2 The application is in association with parallel planning application 23/02838/FP for the barn conversion and enlargement, associated new detached triple garage, and the erection of four new dwellings in the rest of the site to the south.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration includes the impact the proposed development would have on the special character, setting, and significance of the Listed Building. The listed building is a designated heritage asset for the purposes of this assessment.
- 4.3.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*
- 4.3.3 Paragraph 207 of the NPPF states that when *"determining applications, local planning authorities should take account of... the desirability of new development making positive contribution to character and distinctiveness"*.
- 4.3.4 Paragraph 212 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

- 4.3.5 Paragraph 213 of the NPPF sets out that any harm to the significance of a designated heritage asset should require clear and convincing justification.
- 4.3.6 Paragraph 215 of the NPPF states *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.
- 4.3.7 Policy HE1 of the North Herts Local Plan states:
- “Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they (as applicable):*
- a) Enable the heritage asset to be used in a manner that secures its conservation and preserves its significance;*
 - b) Incorporate a palette of materials that make a positive contribution to local character or distinctiveness, where it is appropriate and justified; and*
 - c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset’s optimum viable use.”*
- 4.3.8 The listed barn is a designated heritage asset as stated above, therefore the above sections of the NPPF, and Local Plan Policy HE1, are relevant to how the application is to be assessed.
- 4.3.9 The Council’s Conservation Officer has provided detailed comments on the proposal, which have concluded by raising an objection to the LBC application. The key comments from the Conservation Officer’s report are considered to be at 1.2, 1.3, 4.1, 4.3, and 4.8 as set out in the attached appendix 1.
- 4.3.10 The concerns of the Conservation Officer can be summarised as being:
- The overtly domestic appearance of the barn addition and alterations to the barn itself.
 - The size, scale, siting, design and appearance of the two storey addition.
 - Unknown impacts of new openings in the barn on its existing frame and historic fabric.
 - Amount and size of new openings proposed for the barn.
- 4.3.11 The proposed extension would be a large addition, of a comparable size to the barn. The amount and size of the proposed new openings would be noticeable and are considered excessive. The proposed extension and alterations to the barn would be considered to be of an overtly domestic appearance, and together with the change of use that the works proposed would facilitate, would significantly alter the character and significance of the listed barn as a designated heritage asset.

- 4.3.12 The Inspector's Report relating to dismissed appeal 19/01275/OP, which didn't include the listed barn in the site, provided the following relevant comments:

14. The proposed dwelling closest to the listed barn could be designed to have the appearance of a rural building, which could also be smaller than the existing farm building. It could therefore maintain the existing long-established cluster of built form projecting into the countryside. However, domestic paraphernalia and the inevitable noticeable presence of permanent residential occupation would be visually intrusive and reduce the positive contribution made by the openness of the site to the surrounding countryside. This would therefore be harmful to the rural setting of the barn and the PCA.

22. The proposal would be harmful to the setting of the Grade II listed building and the PCA, which would have a harmful effect on their significance as designated heritage assets. The harm that I have identified would equate to less than substantial harm to their significance. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.

- 4.3.13 The above Inspector's comments are considered to remain materially relevant to the current LBC application, as little has changed in terms of the site, and the emphasis of relevant local and national policies is to assess the impacts of LBC applications on designated heritage assets such as the listed barn.
- 4.3.14 In this regard, the impacts of the LBC application on the significance of the designated heritage asset are considered to be greater than those of the outline application dismissed at appeal, as extensive and substantial works are now proposed to the barn itself, detailed plans have been provided of these works, and the barn is in the application site. There are also further concerns that a lack of detailed information has been provided of how the insertion of the new openings would affect the frame of the barn, and therefore whether these operations will be detrimental to the historic fabric and significance of the barn as a designated heritage asset.
- 4.3.15 The Conservation Officer has considered that all the proposed works will erode the significance of the barn causing harm to it as a designated heritage asset, has objected, and that the harms would be less than substantial. The degree of harm is considered moderate to high in the 'less than substantial' category. Many public objections have been received, however most of these don't concern matters relating to this LBC application. Those objections that relate to LBC issues are considered to have been taken into consideration in this report through the detailed assessment of the application.
- 4.3.16 Where harm would be less than substantial, as set out in para. 215 of the NPPF, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The Conservation Officer has considered that the optimum viable use is proposed, however that the public benefits from the proposal do not outweigh the great weight that has been given to the harms identified.

4.3.17 The views of the Conservation Officer are given significant weight, and planning officers agree with them. The proposal is therefore considered harmful to the significance of the listed barn at Wrights Farm as a designated heritage asset. The proposed development would fail to satisfy the provisions of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the National Planning Policy Framework (2023). The proposal would not comply with Policy HE1 of the Local Plan.

4.4 **Conclusion**

4.4.1 It is considered that the proposal would occasion less than substantial harm to the listed building's special character. Therefore, the proposal would fail to satisfy the provisions of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

4.5 **Alternative Options**

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

4.6.1 N/A

5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

6.1 That Listed Building Consent be **REFUSED** for the following reason:

1. The proposed development, by reason of the size, scale, siting, design and appearance of the extensions and alterations; and the absence of detailed information on how the works will affect the fabric of the building; will be harmful to the significance of the listed building as a designated heritage asset. No public benefits are apparent to justify this harm. The development would fail to satisfy the provisions of Sections 16(2) and & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would fail to satisfy the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031.

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24/00708/LBC – Appendix 1

Pirton Parish Council Comments

Thank you for consulting the Pirton Parish Council on these two planning applications.

The Pirton Parish Council objects to the grant of planning permission under both applications.

We take as our starting point the reasons for refusal of the Herts County Council Appeal (HCC) to the Planning Inspectorate (APP/X1925/W/21/3274765) which we support i.e. the effect on the setting and character and appearance of the Pirton Conservation Area: the harmful effect on the designated heritage asset that is the Listed Barn; and adverse impact on the openness of the site to the surrounding countryside (harm to the rural setting). We do not think that the current proposals overcome these objections.

The site is now within Pirton's Conservation Area. The majority of the site is outside the Pirton Development Boundary. No good argument has been made by the Applicant as to why development here should be permitted outside of the Development Boundary, particularly as the proposals do not meet any of the exemptions to the Local Development Plan policy against development in rural areas outside of the Green Belt.

Highways

There are significant Highways issues, raised by HCC Highways which objects to the grant of planning permission. We support the objections of HCC Highways.

Biodiversity and Ecology

The proposals for the improvement to the biodiversity and ecology of the development site, and, indeed, the whole of the Wright's Farm site, are to be welcomed. However, much of Wrights Farm is not included in this planning application. It is not at all clear to us how the proposals by HCC affecting areas outside of the planning application(s) can be enforced, (should HCC sell the land, or indeed retain it without carrying out these improvements). During discussions with HCC in December 2023, it was suggested by HCC that the proposals for areas outside of the area included in the planning application might be secured under a Sec 106 agreement, or by planning condition. In the event that the whole of Wrights Farm being sold, again a suggestion by HCC is that the buyer would be vetted and would need to agree to act in accordance with HCC's proposals. We feel very strongly about this issue, as the "greening" of the land not subject to the application is, nonetheless, an important feature of the application. We have experienced too often how proposals change after the grant of planning permission, particularly where the land is sold on and a fresh application is made by new owners; see Cotman End, Walnut Tree Road, Pirton.

Additionally, the Ecology report of 2023 does not deal with the issue of how the Washbrook chalk stream will be affected, if at all, by these proposals. In spite of meetings between residents and HCC, and the Parish Council and HCC, absolutely no notice has been taken of the potential chalk stream – The Washbrook – that runs through the site. The historic record shows that this is a stream which rises from a spring located on the Pirton/Shillington boundary, one

arm flows east to feed the moats around Rectory Manor, then towards Wrights Farm, and is replenished by another spring on the north west corner of the site. Before the use of field drains throughout the site, and the extraction of water from the aquifers, this was a very wet area of Pirton, the original medieval farmhouse being moated (amongst other moated houses in the area). The stream was so full flowing that it turned a small water mill by the Listed Barn. It is only in very modern times that the flow has decreased for the above reasons. There is every reason to designate this as a chalk stream and to revitalise it as such.

We raise here our concern that the proposals for the use of septic tanks for the disposal of sewage may have an adverse impact on the chalk stream in the event of overflow /leak of untreated sewage from the tank. Any septic tank needs to be placed a considerable distance from the chalk stream; the current proposals place them very close to the stream.

Archaeology

There are no fresh proposals regarding Archaeology. The last report of a preapplication evaluation is now 6 years old, and does not cover much of the area proposed for construction, particularly regarding the Listed Barn and historic water mill. Both the interior of the Listed Barn and land external to the Listed Barn should be fully excavated by hand to recover the full history of its use and age. The floor of the barn in any event will need to be dug up for the installation of utilities, and so any excavation should be done archaeologically to retrieve the maximum information. There will be no second chances. Likewise, the historic map evidence for the Water Mill is clear. The area of the water mill should be carefully excavated by hand for the same reason. The usual conditions for a Written Scheme of Investigation and subsequent work should be imposed.

The Existing Farmhouse Site.

There are no objections in principle to the development of this part of the overall site, as it is within the Pirton Development Boundary, provided it meets also PNP2 regarding design, materials, respect for the local character etc. The number of dwellings proposed for the site has been reduced from three to two, presumably to address the objections from the Planning Inspector. They will be of three bedrooms, which meets PNP 2 of the Pirton Neighbourhood Plan. However, there is no clear information about the proposed heights of these properties, which is crucial in making a considered judgement on the impact of these dwellings on the openness of the countryside/rural setting, bearing in mind that it is a transition area from village to countryside. We remain surprised that HCC has never heeded the observations of Simon Ellis, former head of Development and Conservation, when giving pre-application advice as long ago as January 2019 which was for HCC to consider modest bungalows for this site.

Barn/Stables Site

The proposal here is for two modest semi-detached bungalows, using materials that will make them look like timber barns. Apart from this constituting residential development outside of the development boundary, (see above), it will simply not be possible to disguise the actual use of the buildings, not least because they will be surrounded by, as the Planning Inspector put it, all the paraphernalia of domestic dwellings e.g. car parking, shed, waste bins, and so forth.

Listed Barn

Something needs to be done to ensure the long-term future of the Listed Barn. This is not it. The result of the proposals will be of extensions dominating the listed barn. The scale of development proposed is not at all in keeping with the modest size of the listed barn. The proposed extensions are clearly of greater square meterage than the original Barn, and in places being of two storeys, completely dominate the original barn. The design proposal does not meet the criteria usually applied to barn conversions.

Surface Water Drainage

The proposals in the Drainage Report are to channel surface water into what the writers call a watercourse, which they have identified from plans and aerial photographs. This “watercourse” is the Washbrook as it runs through the site, and in our opinion, a chalk stream (see above). Contaminated water from runoff should not be diverted into the chalk stream. There is no indication that the Local Land Flood Authority will agree to this in any event, so that the application should fail on this point also.

In conclusion, there are still too many unanswered issues that prevent, in our view, this application from being granted.

Conservation Officer Comments

1.0 Recommendation

- 1.1 In determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness (para 203). Furthermore, great weight should be given to the conservation of Designated Heritage Assets (para 205, NPPF) and any harm to, or loss of, the significance of a designated heritage asset from development within its setting requires clear and convincing justification (para 206).
- 1.2 The two-storey overtly domestic appearance of the barn addition including 3no. dormer windows and chimney stack together with introducing 10no. new windows openings and 4no. roof lights to the grade II listed barn, will erode this building's significance as a late C18 timber-framed barn of vernacular construction.
- 1.3 I do not take the view that this is a high quality and responsive scheme, and that harm would be occasioned to the listed barn and to the character and appearance of the PCA. On this basis, I raise an **OBJECTION** as the scheme fails to satisfy Sections 16(2) and 72(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031. The public benefit would be to find an optimum viable use for the barn but I conclude that this on its own is insufficient to outweigh the great weight to be given to the less than substantial harm I have identified.

2.0 Introduction

- 2.1 The barn at Wrights Farm is grade II listed (added to the Statutory List on 29.01.2020 – see Appendix A). The barn was previously located outside the PCA but is now included and at page 20 of the Pirton Conservation Area Character Appraisal and Management Plan (March 2023) (“PCACAMP”) prepared by Place Services, the following is noted (my highlights in bold):

*The Wright's Farm Barn [Figure 16] was designated as a Grade II listed building in 2020. Dating from the late eighteenth century, the barn is an important surviving example of regional vernacular architecture. As part of this appraisal, the Conservation Area boundary has been amended to include this barn and the other remaining buildings at Wrights Farm, including associated fields, within the Conservation Area. This means that the boundary now extends across the far northern edge of the village, whereby the Wrights Farm complex was previously excluded. This section of the village is known as Burge End, with the fields surrounding Wrights Farm having historical links to the agricultural heritage of the village. Within this complex of buildings, the listed barn is surrounded by buildings of a low architectural and historic value. **Sensitive redevelopment of the site would be beneficial to the setting of the listed barn.***

- 2.2 Furthermore, at page 65 of the PCACAMP under the subheading 'Opportunity Sites' it says:

There are some opportunity sites across the Conservation Area which, if sensitively redeveloped, may enhance the character and appearance of the Conservation Area. Sites which may provide opportunity for enhancement include those where premises or buildings are empty, back land areas or corner plots.

Wright's Farm, in the northern section of the Conservation Area, would benefit from some form of sensitive redevelopment which allows for the reuse of the listed barn. A masterplan for the site would be highly beneficial, which should be informed by a heritage statement which considers the significance of the barn, remaining structures and their setting.

- 2.3 The area and the building are designated heritage assets for the purpose of applying the aims of Section 16 of the NPPF.
- 2.4 Below is the scheme considered under ref: 19/01275/OP indicating four dwellings to the south of the barn. The listed barn sits to the north and beyond the application site and the Inspector describes the barn as a "little-altered and substantially intact example of the region's vernacular building traditions and the only remaining building from an earlier significantly more extensive parallel range of buildings with the farmstead". The Inspector continues by stating that "As far as it is relevant to the appeal before me, I find the significance of the listed building to be found in its architectural and historic interest, as a 17th Century timber-framed barn of vernacular construction".



3.0 The Local Plan and NPPF

3.1 I have been consulted on the heritage merits of this case, and I leave other policy matters to the case officer. It is important, however, to evaluate the significance of this building and that the proposals are considered in the context of Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031 and government policy guidance including the following paragraphs of the NPPF (Dec 2023 version):

- **200** (local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting)
- **203** (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. desirability of new development making a positive contribution to local character and distinctiveness),
- **205** (great weight should be given to the asset's conservation),
- **206** (clear and convincing justification), and
- **208** (harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use).

4.0 Two storey extension and internal and external alterations to existing agricultural barn to facilitate conversion into one 4-bed dwelling.

4.1 Whilst there are occasions in the district where a barn is attached or linked to a house i.e., at Thistley Farm, Gosmore and Lower Green Farm, Ickleford, this is not the norm. Generally, agrarian buildings are either purposefully built i.e., Model Farm layout or are clustered together through time and use. The current site is neither of these. Considering the Inspector's remarks in respect of a smaller building to the south which would respect the barn's significance on the site, it would not seem right to entertain a two-storey overtly domestic building appearing alongside the barn as indicated below. In my opinion, this approach is fundamentally flawed.



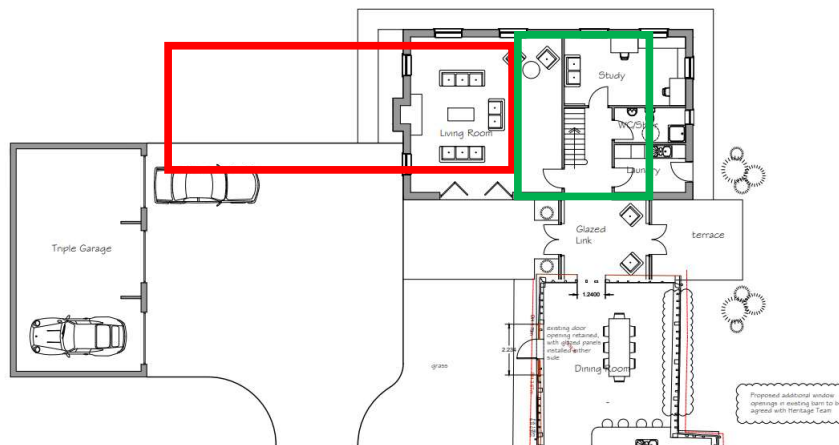
4.2 I turn again to the Inspector's decision and the following:

.... addressing the potential impacts of decline associated with the absence of a current use of the site, should not be at all costs, as this should come in the form of a development that is of high quality and responsive to its context. (Para 28)

The retention of the listed barn is undoubtedly a key consideration, but the appeal scheme does not directly relate to it.... there is no indication that the proposal would be enabling development in connection with works to the listed building. The fact that the appeal site and

the listed barn are within the same ownership also does not provide any certainty that the barn would be safeguarded from harm associated with the proposal. (Para 29)

- 4.3 I have looked carefully at the proposed development here and where 4 bedrooms are proposed at first floor with living room / study / WC & shower / Laundry on the ground floor. The barn is shown with a ground floor providing a large dining space, kitchen, and family room. In my opinion, a **high quality and responsive scheme** attached to the main barn that would also maintain a greater sense of openness would need to potentially come in the form of a single-storey, subservient range. Therefore, whilst I am happy to consider a glazed link, I am not prepared to support the two-storey build.
- 4.4 In my opinion, a 1½ storey new build where the study / WC / laundry is with perhaps a staircase serving a Master Bedroom over but with a reduced headroom (green outlined section below) may work but then I would be seeking a step down to a narrower single-storey section to provide further bedroom / bathroom accommodation (red outline). This arrangement would clearly require the triple garage to be repositioned. This suggested single-storey section would complement the height and form of the said garage.



- 4.5 With respect to the main barn I note the following at 6.14 of the submitted Planning, Design and Access Statement

*The proposed dwelling which is intended to ensure a viable future for the listed barn is again constructed of brick and tile. It is envisaged that the brick choice will match the other buildings, but a discussion is invited on this point. The connection to the barn has been minimised so as to protect the barn structure as much as possible. A single storey glazed link in oak framing is proposed to transition between the new and the old buildings. **Other intrusions into the barn have been kept to a minimum to provide adequate daylight.** The interior space will be preserved as a single clear span so that sight of the barn framing is preserved.*

- 4.6 The idea of maintaining the barn's interior space is commendable, however, should the suggestion of reducing the height of the adjacent new build be problematic I am prepared to consider (if it works internally) a mezzanine over the family room.
- 4.7 It is unclear from the submission as to what effect the 10no. new glazed openings in the walls would have on the existing frame. For instance, to the two smaller windows on the front elevation would appear to interfere with the either studwork, diagonal

braces or the larger horizontal sections of framing in the image below (photo 15 of the Structural Condition Report). This should be established before proceeding further and the following is noted at 4.2.6 of the aforementioned report:

Where additional openings are proposed, either to the gable or within the wall structure, further strengthening would likely be required to the timber frame by doubling up of studs and rafters, for example. Sufficiently sized headers should be provided, supported off these doubled up members to provide a lintel detail. This detail would need to be confirmed by Structural Engineer's calculations. Any large openings will require checking to ascertain the panel is still sufficient to prevent racking.



- 4.8 I am also unconvinced that the intrusions are kept to the minimum considering that there would be 6no. new openings in the rear wall and 4no. new openings in the front wall (if counting the glazing either side of the existing personnel door). I am not convinced that the dining room need be served by 6no. openings and for this reason I suggest that glazing could perhaps be inserted where the small door opening is on the front elevation and the door retained in an open position (like a shutter). Similarly retaining larger barn doors in a pinned back 'open' position serving the larger glazed opening would be sympathetic to the barn's agrarian character and would probably require the proposed left-hand smaller window in the front elevation to be omitted.



- 4.9 At 4.2.3 to 4.2.5 of the Structural Condition Report it refers to the measures that may be necessary if the barn is to accommodate a first floor. However, this is not currently the case, so I make no further comment at this stage.

Please note that ref: 23/02838/FP still refers to 'conversion of Listed Barn into 1 x 4-bed dwelling' whereas ref: 24/00708/LBC refers 'Two storey extension and internal and external alterations to existing agricultural barn to facilitate conversion into one 4-bed dwelling'. The FP should include two-storey extension and this would result in a moderate to high degree of harm in heritage terms. The same degree of harm is also attributed to the LBC application.

Mark Simmons
Senior Conservation Officer

Appendix A - list entry

Summary of Building:-

A little-altered small timber-framed barn, thought to date to the late C18, and the sole surviving component of an extensive multi-phase vernacular farmstead in Pirton, Hertfordshire.

Reasons for Designation:-

The late C18 timber-framed Barn at Wright's Farm, Pirton in Hertfordshire, the sole surviving component of an extensive multi-phase vernacular farmstead is listed at Grade II for the following principal reasons:

Architectural interest:

- as a little-altered and substantially intact example of the region's vernacular building traditions, the detailing of its timber framing is of high quality and clearly visible throughout the interior of the building.*

Historic interest:

- as the only surviving component of an extensive, multi-phase vernacular farmstead, shown on historic late C19 Ordnance Survey maps to have included a farmhouse, parallel ranges of farm buildings, two of which were located close to large ponds, suggesting that they may have been used for powered produce processing.*

History:-

The barn at Wright's Farm is the surviving element of an extensive evolved farmstead which survived until at least 1924 with two parallel ranges of outbuildings, a farmhouse and two buildings with ponds adjacent to them fed by small watercourses. The farmhouse was located in the south-west corner of the steading, with the two ranges of outbuildings located to the north and north-west. Historic map evidence suggests that the barn being assessed was located in the middle of the north-west range, with other farm buildings attached at either end. By the mid-late C20, the farmstead, identified on C19 maps as Haxham's Farm, had been comprehensively remodelled, with new farm buildings replacing most of the earlier structures, and a new farmhouse built further to the south-east. The farmstead site was later purchased by Hertfordshire County Council, and was unoccupied at the time of inspection (September 2019).

Details:-

A small late C18 timber-framed barn, the surviving component of an extensive evolved farmstead, and formerly part of a range of attached farm buildings forming the northern boundary of the steading.

MATERIALS: timber-framed, the framing set on a low brick plinth, with a weather-board cladding and a plain clay tile roof covering.

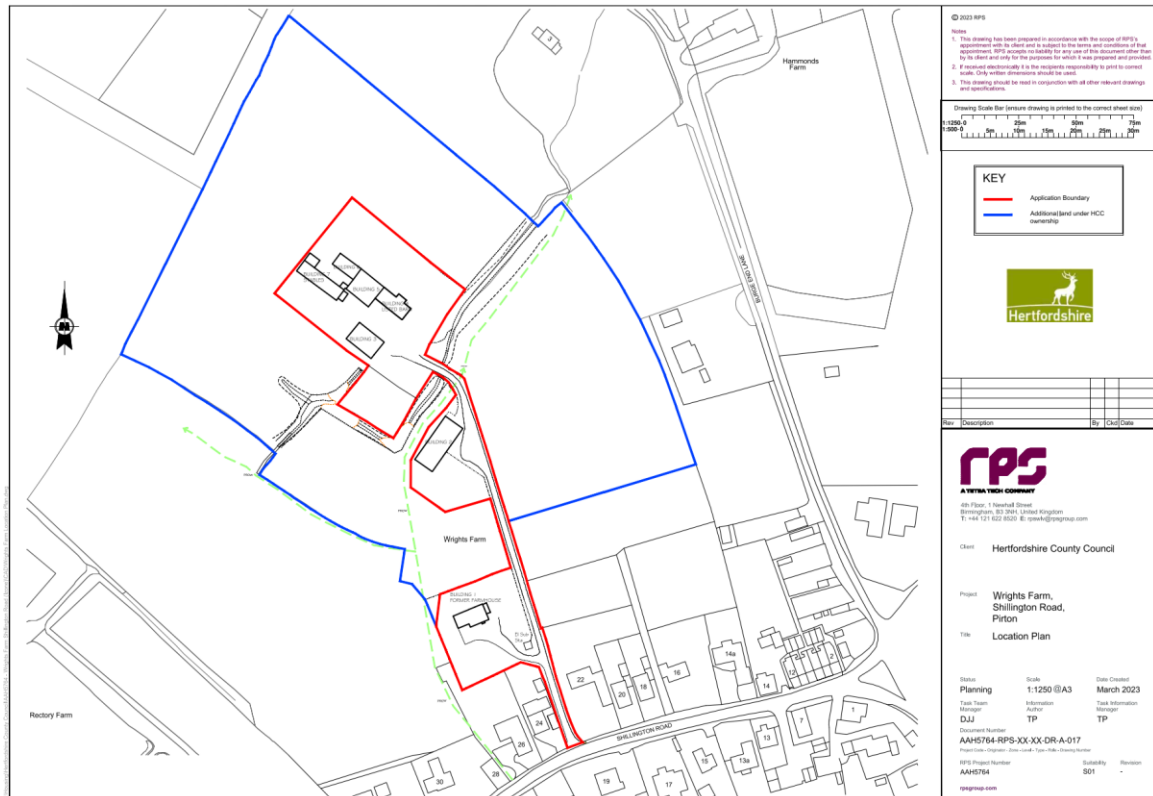
PLAN: linear in form, aligned north-west to south-east with a shallow rear offshoot to one bay.

EXTERIOR: the barn is weather-boarded externally, with a full-height off-centre double doorway with vertically-boarded doors to the south-west elevation. To the left of this opening is a small single doorway giving access to the end bay of the building. The rear elevation has a small single bay offshoot towards the building's south-east end, beneath an extension of the main roof slope. Both gable ends are devoid of openings, the north-west end being largely obscured by an adjacent C20 farm building.

INTERIOR: the barn has a four-bay timber frame forming an undivided single interior space, accessed by means of a the double doorway to the third of the four bays. The bays are defined by substantial posts with jowelled heads which support longitudinal wall plates and transverse tie beams. Straight braces link the posts and tie beams, above which are queen struts and collar beams which clasp shallow single purlins supporting the common rafters. The barn side walls are formed of close-spaced studs, each wall bay with a substantial post to the centre, either side of which are slender down

braces linking staggered mid rails to the jowl posts. The third bay incorporates a shallow open rear offshut with low close-studded walls. The wall plate oversailing the opening is supported by curved braces rising from the flanking jowl posts. The south-east gable is framed in the same fashion as the side walls, but the north-east end is formed of what appears to be the overboarded remnant of an earlier attached framed building, subsequently replaced by the present C20 building on the site.

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Location: Slip End Farm
Royston Road
Slip End
Baldock
Hertfordshire
SG7 6SG

Applicant: Mr J Northern

Proposal: Erection of two 3-bed, three 4-bed and two 5-bed dwellings with associated hard and soft landscaping, parking, garaging and private gardens following the demolition of existing agricultural barns (as supported by information submitted 8th October 2024).

Ref. No: 24/00754/FP

Officer: Alex Howard

Date of expiry of statutory period:

Extension of statutory period:

Reason for Delay: In order to present the application to an available committee meeting.

Reason for Referral to Committee: The site area is larger than 0.5 hectares and therefore the application needs to be presented to Planning Committee for determination, in accordance with the Council's constitution.

1.0 Site History

1.1 Extensive planning history, relevant applications are as follows:

1.2 **22/02888/PNQ** - Class Q: change of use of one agricultural building to four dwellinghouses (2 x 2-bedroom dwellings, 1 x 3-bedroom dwelling & 1 x 4-bedroom) together with associated building operations and the formation of private gardens and car parking associated with the proposed dwellinghouses (as amended by plans received 19th December 2022).

Prior Approval Given

1.3 **22/02889/PNQ** - Class Q: change of use of one agricultural building to one two-bedroom dwellinghouse together with associated building operations and private garden and car parking associated with the proposed dwellinghouse (as amended by plans received 19th December 2022).

Prior Approval Given

- 1.4 **22/01541/FP** - Replace existing entrance gates with acoustic gates, decommission existing vehicular access and install protective landscape bund to boundary.

Conditional Permission

- 1.5 **21/01358/FP** - Formation of new vehicular access onto Ashwell Road.

Conditional Permission

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan (The Local Plan) 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP6: Sustainable Transport

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP10: Healthy Communities

Policy SP11: Natural Resources and Sustainability

Policy SP12: Green Infrastructure, Landscape and Biodiversity

Policy HS3: Housing mix

Policy T1: Assessment of Transport Matters

Policy T2: Parking

Policy CGB1: Rural Area beyond the Green Belt

Policy CGB4: Existing buildings in the Rural Area Beyond the Green Belt

Policy D1: Sustainable Design

Policy D3: Protecting Living Conditions

Policy HE1: Designated heritage assets

Policy HE4: Archaeology

Policy NE1: Landscape

Policy NE2: Green Infrastructure

Policy NE4: Biodiversity and geological sites

Policy NE12: Renewable and Low Carbon Energy Development

2.2 **National Planning Policy Framework (NPPF) (December 2024)**

Section 2: Achieving sustainable development

Section 4: Decision making

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places and beautiful places

Section 14: Meeting the challenge of climate change, flooding, and coastal change

Section 15: Conserving and enhancing the natural environment

2.3 **Ashwell Neighbourhood Plan December 2021**

Policy ASH1 Location of Development

Policy ASH2 Housing Mix

Policy ASH3 Character of Development

Policy ASH4 Design of Development

Policy ASH6 Environmentally Sustainable Design

Policy ASH7 Protecting Historic Assets

2.4 **Vehicle Parking at New Development SPD**

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – Three responses received from the Council for British Archaeology, Hillside and 12 Gilders commenting on the following matters (summary):

- The application sits in an area of significant archaeological interest and the northeastern part of the site is within a Scheduled Ancient Monument (SAM) which is believed to hold prehistoric, Roman and early medieval remains. The proposal would cause harm to the Scheduled Ancient Monument through excavation and removal of in-situ/high quality remains, in line with the views of Historic England.
- The application should be withdrawn until the boundary alteration application with Historic England has been decided. Even if the boundary to amend the Scheduled Monument is approved, the proposal will still have a significant impact on the setting of the monument as a result of the change of use of the land from an agricultural site to a dense residential development.
- The proposal does not meet the requirements of paragraphs 205 and 206 of the NPPF. The harm to the Scheduled Monument is not justified.

3.2 **Hertfordshire Highways** – No objection to the principle of development in this location but set out areas where further information is required in relation to cycle storage, access of Ashwell Road, a Construction Management Statement, and emergency/refuse vehicle access.

3.3 **Ashwell Parish Council** – Object to the development on a number of grounds (summary):

- Whilst the site does benefit from 2 Class Q Prior Approvals to convert existing buildings, this proposal does not look to utilise existing buildings but spread development around the site more sparsely.
- As such, the development must be considered against the Local Plan and Ashwell Neighbourhood Plan policies.
- The development is outside of the defined Ashwell settlement boundary, does not conform with the preferred housing mix, and is not linked/accessible to paths in the village, contrary to Policies ASH1, ASH2 and ASH19 of the Neighbourhood Plan.
- The application to amend the boundary with the Scheduled Monument must be determined prior to any decision.
- Officer should not accept the fallback planning argument that the approval of two Class Q Prior Approvals establishes that residential development is acceptable in principle. T
- The proposal would have a greater impact on the openness of the Rural Area beyond the Green Belt than the original buildings, because the Class Q approvals respect the agricultural origin and use of the original development in a way that the domestic arrangement of the proposed application does not.
- The application should be referred to the Planning Control Committee.

- 3.4 **Environmental Health (Air Quality/Land Contamination/Noise)** – No objection subject to conditions covering the delivery of noise mitigation measures, a phase 2 contaminated land assessment/validated report, and EV charging points.
- 3.5 **North Herts Waste and Recycling** – None received.
- 3.6 **North Herts Ecologist** – No objections subject to conditions covering a Ecological Enhancement Strategy. Application was submitted prior to mandatory BNG but is still proposing 28.29% BNG.
- 3.7 **County Council Archaeology** – Two formal responses received in October and November 2024. The first response identified the high sensitivity of the site given that it is within an Area of Archaeological Significance, and it lies adjacent to, and partly within, a Scheduled Monument. Advised that further archaeological information/evaluation would be required to ensure that remains would not be destroyed, in the form of trial trenching. In the second response following the formal boundary alteration being agreed with Historic England, they reaffirmed their advice to carry out trial trenching on site prior to any determination.
- 3.8 **Historic England** - Two formal responses were received in April and November 2024. The first response cited several concerns with the proposal generally considering its impact on the Scheduled Monument, whilst also recommending that no decision is made until the boundary amendment application has been determined. Following a decision on the amendment to the scheduled monument boundary in October, which was approved, the second response acknowledged this but remained concerned that the proposal may create harm to the significant archaeological remains and in the absence of a field evaluation, would not support the application as submitted.
- 4.0 **Planning Considerations**
- 4.1 **Site and Surroundings**
- 4.1.1 The application site is part of Slip End Farm which is located to the north-west of the A505 approximately half-way between Baldock and Royston, within relative proximity to Ashwell and Odsey. The main farmyard contains several agricultural buildings of varying sizes and use, some of which are currently in active use and others are dilapidated. A two-storey farmhouse is located to the west of the main farmyard and a bungalow exists to the east of the main farmyard adjacent to the main vehicular access onto the A505. There is a newly created vehicular access into the site from Ashwell Road.
- 4.1.2 The site is located outside of any defined settlement boundary and is designated as within the Rural Area beyond the Green Belt in the Local Plan. Moreover, the site is immediately adjacent to a Scheduled Monument (ring ditches and enclosure at Slip End, ref. 1003549) and is within an Area of Archaeological Significance.
- 4.2 **Proposal**
- 4.2.1 Full planning permission is sought for the erection of 7 dwellings (two 3-bed, three 4-bed and two 5-bed) with associated hard and soft landscaping, parking, garaging and private gardens following the demolition of existing agricultural barns (as supported by information submitted 8th October 2024).
- 4.2.2 The development would be facilitated by the demolition of four existing agricultural buildings, including a large grain store and three smaller, dilapidated buildings. The

development would utilise the recently constructed access from Ashwell Road leading into the site, where the scheme has been laid out around a central ring road. The dwellings would be two-storey in scale and would benefit from single-storey garages/carports. All dwellings would benefit from two/three private parking spaces depending on the number of bedrooms, with four visitor spaces provided.

4.2.3 The application is supported by the following documents:

- Planning Design and Access Statement
- Phase 1 Contaminated Land Survey
- Ecological Impact Assessment
- Biodiversity Net Gain Assessment
- Bat Emergence Report
- Flood Risk Assessment and Drainage Strategy
- Noise Assessment Report
- Desk Based Archaeological Assessment
- Full Existing and Proposed Plans and Elevations
- Historic England Report/Map for Scheduled Monument Boundary Amendment.

4.3 **Key Issues**

4.3.1 The key issues for consideration are the

- The Principle of Development
- Heritage
- Design, Layout and Appearance
- Living Conditions of Neighbours/Future Occupiers
- Highways, Access, and Parking
- Biodiversity and Ecology
- Waste and Recycling
- Flood Risk
- Climate Change/Sustainability
- Planning Balance

Principle of Development

4.3.2 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The Ashwell Neighbour Plan (ANP) was made in January 2021 and also forms part of the development plan and therefore full weight is given to policies of the ANP. The National Planning Policy Framework December 2023 (NPPF) is a material consideration attracting significant weight.

4.3.3 Policy SP1 of the Local Plan supports the principles of sustainable development and seeks to maintain the role of key settlements as the main focus for housing and to ensure the long-term vitality of the villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities. The policy elaborates on this stating that planning permission will be granted for proposals that deliver an appropriate mix of homes, create high quality development that respects and improves their surroundings and provides for healthy lifestyles, provides for necessary infrastructure to support an increasing populations, protects key elements of the District's environment including biodiversity, important landscape, heritage assets and green infrastructure, the mitigates the impact on climate change.

- 4.3.4 Policy SP2 of the Local Plan sets out the settlement hierarchy and states that the vast majority of new housing development in the district will be located within the settlement boundaries of the districts main towns and larger villages (Category A and above). The site is not within any defined settlement boundary, with the closest of those being Ashwell, and as a result, is designated as within the Rural Area beyond the Green Belt. This accepts that the site is in an isolated location away from the main settlements and associated services, which would see future occupiers be solely reliant on private vehicles for the majority of trips. That said, there are two existing dwellings on the site, being the main farmhouse and bungalow. In any case, the proposed development fails to comply with Policy SP2 of the Local Plan and Policy ASH1 of the Neighbourhood Plan.
- 4.3.5 Policy CGB1 of the Local Plan sets out instances where general development is acceptable in the Rural Area beyond the Green Belt. This states:
- “In the Rural Areas beyond the Green Belt, as shown on the Policies Map, planning permission will be granted provided that the development:*
- a) Is infilling development which does not extend the built core of a Category B village;*
 - b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;*
 - c) Is strictly necessary for the needs of agriculture or forestry;*
 - d) Relates to an existing rural building;*
 - e) Is a modest proposal for rural economic development or diversification; or*
 - f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.”*
- 4.3.6 The proposed development would not accord with any of the above exceptions.
- 4.3.7 Policy CGB4 of the Local Plan considers existing buildings in the Rural Area Beyond the Green Belt, stating that:
- “a) Planning permission for the re-use, replacement, or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:*
- b) Any existing building to be converted for re-use does not require major extension or reconstruction;*
 - c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and*
 - d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them”.*
- 4.3.8 This application is submitted partly on the basis that the applicant considers that the proposed development, which would see the erection of 7 dwellings following demolition of four agricultural buildings associated with the existing farm business, would accord with the provisions set out in Policy CGB4 of the Local Plan and therefore be an appropriate development in principle in the Rural Area beyond the Green Belt. This will be considered in turn.
- 4.3.9 Part b) of Policy CGB4 is not relevant in this instance, as there are no existing buildings being converted.

- 4.3.10 In respect of part c) of Policy CGB4, the supporting Planning Statement sets out that the proposed development would involve the removal of four agricultural buildings of various shapes and sizes, including one large grain store situated towards the centre of the existing farmyard. It is further stated that together, these buildings occupy significant footprint and have a significant presence in the landscape, particularly the large, modern grain store. The Statement goes on to say that the proposed dwellings would have an overall footprint much less than the cumulative footprint of the existing buildings to be demolished and the height of the proposed dwellings would be significantly less than the grain store building which is nearly 8.5m in height and measures 19.5m x 39m. Accordingly, the Planning Statement concludes that for the reasons set out above, the proposal would be compliant with Policy CGB4, insofar that it would involve the replacement of existing buildings/development in the Rural Area beyond the Green Belt with development that would not have a greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt.
- 4.3.11 Officers have considered this argument in respect of Policy CGB4 and whilst it is acknowledged that there would be a reduction in floorspace, and an existing grain store is far larger than any of the proposed dwellings, this does not mean that the development would not result in a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt. The existing buildings on the site, a large grain store and three dilapidated agricultural buildings, are sparsely sited in this farmyard and the larger grain store building is tucked away amongst the other larger agricultural buildings, which whilst sizable is appropriate in this context. This sparse siting of buildings allows for large areas where no built form exists currently, which is common for agricultural/farmyard areas. The proposed development would be domestic in its layout and would see built form spread out across the site in a residential estate-like arrangement, which would be visually out of context with the sparse nature and character of the existing agricultural farmyard. The proposed development would appear as a residential development of a suburban rather than farmstead character and would be visually incongruous within the current rural and agrarian context. As such, it is considered that this would result in a materially greater impact on openness, contrary to the aims of part c) of Policy CGB4 of the Local Plan.
- 4.3.12 Part d) of Policy CGB4 is not relevant in this instance, as there are no outbuildings proposed.
- 4.3.13 Furthermore, it is also important to consider the existing built form and operation of the business on site in the context of Brownfield land/Previously Developed Land.
- 4.3.14 The NPPF 2023 defines Brownfield Land/Previously Developed Land (PDL) as *“Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”*. Therefore, it is considered that this site cannot be considered Brownfield Land/Previously Developed Land (PDL), as this definition excludes land that is occupied by agricultural buildings.

- 4.3.15 Moreover, it is acknowledged that two of the buildings proposed to be demolished for this development, the large grain store building and the centrally located smaller building, benefit from Prior Approval under Class Q of the General Permitted Development Order 2015 (see planning refs: 22/02888/PNQ and 22/02889/PNQ). The Planning Statement sets out that these two applications, for a total of 5 residential dwellings, establish the principle of residential development in this location. It goes on to suggest that the schemes approved under the Class Q application were constrained in design/size terms and that a more comprehensive redevelopment of the site would be more appropriate in terms of the quality of the proposed residential accommodation, the interaction with the continuing agricultural operations, and the wider visual implications of the proposed development of the site.
- 4.3.16 Officers acknowledge the existence of the two Class Q Prior Approvals and present a fall-back position against which to assess the proposal. However, these were limited to the re-use/conversion of existing agricultural buildings, which would have therefore not resulted in a materially greater impact on openness of the Rural Area beyond the Green Belt. Moreover, the proposed development is significantly different to these Class Q approvals and no longer seeks to re-use/convert buildings, but instead demolish them and erect a domestic/estate-like development in its place. Therefore, whilst the existing Prior Approval decisions offer a fallback position and are a material consideration relating to the principle of residential redevelopment of the site. It is considered that this does not outweigh the identified conflict with Policies SP2 and CGB4 in this respect.
- 4.3.17 In conclusion, it is acknowledged that the proposed development for 7 dwellings and associated garages would have a lesser footprint, and be shorter/narrower, than the 4 existing agricultural buildings to be demolished. It is also accepted that two of the buildings to be demolished benefit from the grant of Prior Approval for conversion into a total of 5 dwellings and that there are existing residential units close to the site. These matters weigh in favour of the principle of development to a certain degree. However, the site is not within a defined settlement boundary and is therefore within the Rural Area beyond the Green Belt. For the reasons set out in this section, the proposal is considered to result in a materially greater impact on openness and purposes or general policy aims of the Rural Area beyond the Green Belt than the original buildings. The site would not constitute Brownfield land/Previously Developed Land. As such, the proposal is contrary to Policies SP2 and CGB4 of the Local Plan and Policy ASH1 of the Neighbourhood Plan and on balance, it is considered that the proposed development is unacceptable in principle by virtue of the clear policy conflict.

Heritage

- 4.3.18 Policy SP13 of the Local Plan states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset’s conservation and the management of its setting”*. This reflects paragraph 212 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets. Policy HE1 of the Local Plan states that *“Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset’s optimum viable use”*. Policy HE4 of the Local Plan sets out that *“Permission for development proposals affecting heritage assets with archaeological interest will be granted provided that: a) Developers submit an appropriate desk-based assessment and, where justified, an archaeological field evaluation. b) It is demonstrated how archaeological remains will be preserved and incorporated into the layout of that development, if in situ*

preservation of important archaeological remains is considered preferable; and c) Where the loss of the whole or a material part of important archaeological remains is justified, appropriate conditions are applied to ensure that the archaeological recording, reporting, publication and archiving of the results of such archaeological work is undertaken before it is damaged or lost”.

- 4.3.19 None of the buildings on the site are listed and neither is the site within a conservation area. However, the site is immediately adjacent to a scheduled monument (SAM). Scheduled monuments are designated heritage assets and NPPF paragraph 206 confirms that such assets are of the highest significance, along with assets such as Grade 1 and II* listed buildings. The monument in question is a concentration of cropmarks that extends into the surrounding fields named "Ring Ditches and enclosure at Slip End" National List for England no. 1003549. Cropmarks are the changes in crop growth and verdancy created by buried archaeology lying beneath. In the right conditions, buried walls, ditches, pits and structures can be perceived in the crop when a site is viewed from the air. At Slip End, the interpretation of the cropmarks' shapes is that they primarily represent prehistoric and Roman settlement and burial activity. Only a small portion of the monument, in its east, has been excavated. This work in the 1970s revealed graves of Roman date as well as early mediaeval evidence. The application site lies in a wider landscape of designated archaeology too, including a scheduled barrow 500m north, one 500m northeast at Deadman's Hill, one further north west at Highley Hill and two to the south at Parkwood.
- 4.3.20 Historic England have been consulted extensively throughout this application. In their first formal response, Historic England broadly agreed with the submitted Archaeological Assessment insofar as it relates to the major significance of the site and that the development would have a major impact on buried remains, but they also raised a number of significant concerns with the fact that works were shown within the boundary of the SAM, which would be unacceptable and unlikely to be given Scheduled Monument Consent. They also set out that the portion of the proposed development outside the designated scheduled monument may also create harm to undesignated archaeology of equivalent significance to a scheduled monument. In the absence of an archaeological field evaluation of the unscheduled portion of the site, Historic England advised that the Council apply NPPF 206 footnote 72 [now NPPF 213 footnote 75] in informing its decision.
- 4.3.21 The response also acknowledges that an application had recently been submitted directly to Historic England to vary the extent of the Scheduled Monument to potentially take the application site and its surrounds out of the designated monument. Historic England advised that the application be withdrawn until this listing boundary amendment was determined, but the Council considered this unreasonable and allowed the application to wait until this took place. In October 2024, Historic England formally approved this boundary amendment so that the SAM was now completely outside of the development's boundary. Following consultation with Historic England on this matter, they set out that same significant concerns as in their first response but formally advised as follows: *“Archaeological field evaluation of the site should inform any development plans, and I recommend that you seek advice from your planning archaeology adviser on the timings, nature and scope of this work”.*
- 4.3.22 The Hertfordshire County Councils Archaeological Team was also consulted on this application, responding with equal levels of concern as Historic England given the archaeological significance of the site and surrounding area. In both formal responses, Herts Archaeology set out as follows: *“We would therefore recommend that - in accordance with NPPF para. 200 [now para. 207], fn. 72 – the following investigation*

should be undertaken to describe the type, scale, and quality of heritage assets likely to be affected by the proposal:

- An archaeological trial trench evaluation.”

4.3.23 Therefore, the level of information currently submitted in the form of a desk-based assessment is not enough to fully consider the proposal’s archaeological impact, such that both Historic England and Herts County Council both consider that further field evaluations are required, in the form of trial trenching. At the time of receiving these two latest formal responses from the archaeological consultees, Officers were already of the view that the application was not going to be supported. Therefore, given the considerable expense associated with trial trenching it would be unreasonable to require trial trenching, when the recommendation is for refusal for other reasons. Moreover, as set out in the formal responses, the results of further archaeological evaluations would possibly inform any re-design of the development that might be required in order to properly conserve any heritage assets that may be present.

4.3.24 Paragraph 213 of the NPPF states that: *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional (72).*

(72) Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets”.

4.3.25 Therefore, in accordance with paragraph 213 of the NPPF, it is considered that insufficient information in the form of a field evaluation has been submitted with this application, such that any harm or loss of the significance of a designated heritage asset has not been clearly or convincingly justified, in accordance with the requirements of Policy SP13 and HE4 of the Local Plan, and Section 16 of the NPPF, particularly paragraph 206.

Design, Layout and Landscaping

4.3.26 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site’s local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Policy ASH4 of the Ashwell Neighbourhood Plan 2021 and Section 12 of the NPPF.

4.3.27 The site is currently an agricultural farmyard with buildings and siting associated with that use, which is appropriate in this context. The buildings do not necessarily hold any architectural merit, and indeed three of the buildings proposed for removal are dilapidated, but there is a clear agricultural context in this regard.

4.3.28 The proposed development is stated to have been designed to be set out in a courtyard arrangement, with 7 dwellings located around a central ring road. The proposed dwellings would be a mix of three, four and five-bedroom dwellings and all would have a generous internal area, with large private gardens. Each dwelling is proposed to be

two-storeys high and would have a largely traditional form. It is also proposed to have variations in the design, with the dwellings having a materials palette including horizontal and vertical boarding, red/orange brickwork and plain roof tiles. The dwellings would also benefit from detached garages/carports.

- 4.3.29 Officers are of the view that whilst the existing buildings on site are not exactly of high architectural quality, they are clearly functional agricultural buildings and appropriate in their context. The proposed development largely resembles a residential estate type of development which would not be appropriate in this location. The scheme would be domestic in its layout, form and appearance, which would be visually out of context with the sparse nature and character of the existing agricultural farmyard. The Class Q applications reflected the agricultural context of this site, utilising the existing buildings and their agricultural form and character, whereas the same cannot be said for the proposed development. As such, it is considered that the scheme is poorly designed and would not respond positively to the site's local context.
- 4.3.30 As such, the proposal would be contrary to Policies SP9 and D1 of the Local Plan, Policy ASH4 of the Ashwell Neighbourhood Plan 2021, and Section 12 of the NPPF in terms of the design and layout of the scheme.

Living Conditions of Neighbours/Future Occupiers

- 4.3.31 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. Policy D1 seeks to ensure that residential development will meet or exceed the nationally described space standards.
- 4.3.32 The site only has two existing properties that would be affected by the proposal, the main farmhouse and the bungalow on the eastern corner. The site layout has been reasonably considerate of these neighbours, such that it is unlikely that the proposal would result in any material harm to the amenity and reasonable living conditions of these neighbours, though overdominance, loss of privacy and loss of daylight/sunlight. This accords with the aims of Policy D3 of the Local Plan.
- 4.3.33 In terms of potential future occupiers, all dwellings would exceed the nationally prescribed minimum space standards for the number of bedrooms in the dwellings, they would benefit from a suitable size and type of private amenity space, and all habitable rooms would benefit from acceptable levels of natural light. Therefore, the proposal would not result in unacceptable harm to the reasonable living conditions of future occupiers.
- 4.3.34 The formal consultation response from Environmental Health recommends conditions for noise mitigation and a phase 2 contaminated land assessment, which would be reasonable given the sites location next to the A505 and its existing agricultural uses
- 4.3.35 However, Officers are concerned with the relationship between the proposed dwellings and the existing agricultural processes coexisting within such close proximity. Indeed, no mention of this relationship has been made in the supporting Planning Statement. The dwellings and agricultural buildings would share the same access recently constructed off Ashwell Road, and based on the proposed site plan the barns and associated hardstanding areas would be very close to the siting of the dwellings, which could occasion general disturbance and vehicle conflict. However, there are several more significant concerns set out in this report, such that Officers consider it unreasonable to use this as basis for a reason for refusal.

- 4.3.36 As such, subject to the above conditions concerning noise mitigation measures and contaminated land, the proposed development would not give rise to unacceptable harm to the amenities of neighbouring properties and future occupiers, in accordance with Policy D3 of the Local Plan.

Highways, Access, and Parking

- 4.3.37 The proposed development would utilise the existing access from Ashwell Road, which was recently constructed, and no alterations are required for its use in association with the proposed development. In terms of trip generation, The Planning Statement sets out that the removal of some of the existing agricultural buildings on the site would reduce the overall intensity of the agricultural use of the site and result in a reduction in the level of traffic associated with same. It also states that in terms of the location and sustainability of the site, it is noted that the site is situated outside of a defined settlement boundary and that the majority of occupiers would have to rely on private cars for access. However, the previously approved Class Q approvals provide a fallback for development involving five new dwellings on the site and it is considered that the additional two dwellings above and beyond this is unlikely to result in a harmful level of trip generation.
- 4.3.38 The Highway Authority (HA) have formally responded to this application, setting out no objection to the principle of development in this location utilising the approved and constructed access off Ashwell Road. However, the HA set out areas where further information is required in relation to cycle storage, access of Ashwell Road, a Construction Management Statement, and emergency/refuse vehicle access.
- 4.3.39 It is considered that the matters raised by the Highway Authority could be reasonably addressed by the Applicant, especially as they have stated there is no objection in principle. However, the Applicant has not been forthcoming with amended plans and information seeking to address the comments from Highways and these have not been required prior to determination of this application given the other significant objections that officers have to this proposal.
- 4.3.40 The Planning Statement also sets out that each of the proposed dwellings would have allocated parking for at least two cars, with the four- and five-bedroom units having parking for three cars. A small amount of visitors parking is proposed to the front of the site, approx. 2 spaces, with further capacity potentially able to be created if necessary. There are no objections to this proposal on parking grounds as the development would accord with Policy T2 of the Local Plan.

Biodiversity and Ecology

- 4.3.41 This application was submitted prior to the 2nd April 2024 where BNG became mandatory for non-major development.
- 4.3.42 In any case, Policy NE4 of the Local Plan requires all development to deliver measurable gains in biodiversity. The Councils Ecologist considered the application which included several Ecological Assessments and has stated no objections subject to conditions covering an Ecological Enhancement Strategy. Whilst the application was submitted prior to mandatory BNG, there is still a proposal of 28.29% which is a planning benefit in any case.
- 4.3.43 This is considered a reasonable approach to achieve this requirement, in accordance with Policy NE4 of the Local Plan.

Waste and Recycling

- 4.3.44 It is unclear from the supporting information whether consideration has been given to waste collection and refuse vehicles. This was indeed raised by the Highway Authority but one would assume that refuse is already collected for the main farmhouse and bungalow, such that there could reasonably be scope for the development to be suitably served by a refuse vehicle, but this would need to be addressed via a swept path analysis.

Flood Risk

- 4.3.45 The site is within Flood Zone 1 and given the number of dwellings proposed, it is under the threshold for comments from the LLFA. However, a Flood Risk Assessment and Drainage Strategy has been submitted with this proposal which states that the proposed works are in Flood Zone 1 and are therefore not considered to be at risk of flooding from fluvial sources. Due to the development of the site flood mitigation measures are required to reduce downstream flood risks. Flood mitigation measures are required to address the issues associated with overland surface water flows. It concludes that the flood mitigation measures in section 4.0 of this report will need to be incorporated to reduce flood risks to the proposed development and reduce flood risk downstream of the site to an acceptable level. In the absence of an expert opinion on this matter, Officers are inclined to support the recommendations made by the submitted FRA, in line with Policy NE7 of the Local Plan.

Climate Change/Sustainability

- 4.3.46 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.
- 4.3.47 In terms of the economic objective, the proposed development would deliver benefits through the creation of employment during the construction phase and the use of nearby services in Ashwell, as well as those further afield in Baldock, Royston and neighbouring villages, by future occupiers. These benefits would be moderate in context and would therefore attain moderate weight.
- 4.3.48 In terms of the social objective, the proposed development would deliver 7 dwellings towards the districts housing supply which could be delivered in a relative short period. Therefore, significant weight is attributed to the social benefits that would arise from a development of the scale proposed.
- 4.3.49 In terms of the environmental objective, the proposed development would deliver modest benefits, as the scheme would provide an EV charging point per dwelling. However, given the isolated location of this site in the Rural Area beyond the Green Belt with little to no pedestrian connectivity, it is anticipated that future occupiers would need to travel to Baldock, Royston and surrounding areas and be reliant on private vehicles. This is a negative aspect of the scheme that weighs moderately against it.

Planning Balance

- 4.3.50 The site is not within any defined settlement boundary and as a result, is designated as within the Rural Area beyond the Green Belt. The Council acknowledges that there is some merit in the floor space trade-off between the proposed dwellings and the existing buildings, including the fact that one of these existing buildings is a sizable

grain store that is far larger than any of the proposed dwellings. It is also acknowledged that the site benefits from two Prior Approvals under Class Q to convert two buildings into 5 dwellings, which holds some weight. However, the proposed layout, form and appearance would be incongruous within the agrarian and rural setting. and would result in a materially greater impact on openness, contrary to the aims of part c) of Policy CGB4 of the Local Plan. The proposed development would be significantly different to extant Class Q permitted development and have would have a greater impact for the fallback position. The site would not constitute Brownfield land/Previously Developed Land. As such, the proposal is contrary to Policies SP2 and CGB4 of the Local Plan and Policy ASH1 of the Neighbourhood Plan. On balance, it is considered that the proposed development is unacceptable in principle.

- 4.3.51 The site is immediately adjacent to a scheduled monument (SAM). The monument in question is a concentration of cropmarks that extends into the surrounding fields named "Ring Ditches and enclosure at Slip End" National List for England no. 1003549. Whilst a desk-based assessment has been submitted, Historic England and Herts County Council Archaeology both consider that further field evaluations are required, in the form of trial trenching, before a decision can be made. Therefore, in accordance with paragraph 213 of the NPPF, it is considered that insufficient information in the form of a field evaluation has been submitted with this application, such that any harm or loss of the significance of a designated heritage asset has not been clearly and convincingly justified. It would be inappropriate to reserve such an undertaking to a condition, as this would determine whether the proposed layout is acceptable. . As such, the proposal conflict with the requirements of Policy SP13 and HE4 of the Local Plan, and Section 16 of the NPPF, particularly paragraph 213.
- 4.3.52 The Council also acknowledge that the existing buildings on site are not of high architectural quality, but they are clearly appropriate in this agricultural context. It is considered that the scheme is poorly designed and would not respond positively to the site's local context, contrary to Policies D1 and SP9 of the Local Plan and Section 12 of the NPPF.
- 4.3.53 The proposal would not result in any harm to the reasonable living conditions of neighbours and on balance, would provide an acceptable standard of amenity for future occupiers. There are some concerns over the relationship between the proposed residential dwellings and the agricultural use. The highway, access and parking matters are considered reasonable in principle and if this application was to be supported, then the applicant could reasonable address the matters raised by the Highway Authority. In terms of ecology/biodiversity and flood risk, the proposal is considered acceptable and does have some benefits in this respect, especially the 28.89% BNG even though this is not mandatory.
- 4.3.54 However, there are clear concerns in relation to the principle of development in this location, the impact of development on the Scheduled Monument, and the design and layout of the proposal. These concerns and associated local and national policy conflicts, significantly outweigh the identified benefits that would arise from this proposal. Therefore, the application is recommended to the Planning Committee for refusal.

4.4 Conclusion

- 4.4.1 As above.

4.5 Alternative Options

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 N/A.

4.7 **Climate Change Mitigation Measures**

4.7.1 N/A

5.0 **Recommendation**

5.1.1 That planning permission resolved to be **REFUSED** for the following reasons:

1 – The site is not within any defined settlement boundary, contrary to Policy SP2 of the Local Plan and as a result, is designated as within the Rural Area beyond the Green Belt. By reason of the urban form, layout and appearance, which would be visually out of context with the sparse nature and character of the existing agricultural farmyard, the scheme would result in a materially greater impact on openness, than the existing buildings on this site and conflict with the purposes or general policy aims of part c) of Policy CGB4 of the Local Plan. The site would not constitute Brownfield land/Previously Developed Land and overall, is unacceptable in principle contrary to Policies SP2 and CGB4 of the North Herts Local Plan 2011 – 2031 and Policy ASH1 of the Ashwell Neighbourhood Plan December 2021.

2 - The site is immediately adjacent to a scheduled monument (SAM). The monument in question is a concentration of cropmarks that extends into the surrounding fields named "Ring Ditches and enclosure at Slip End" National List for England no. 1003549. The application has not been supported with further field evaluations, in the form of trial trenching, such that any harm or loss of the significance of the designated heritage asset has not been clearly and convincingly justified. This is contrary to the requirements of Policy SP13 and HE4 of the North Herts Local Plan 2011-2031, and Section 16 of the NPPF, particularly paragraph 213.

3 - The proposed development, by virtue of its layout which largely resembles a residential estate development, would not be appropriate in this rural and agricultural context. The proposed form, appearance and layout would appear incongruous and harmful to the rural character and appearance of the area. As such, it is considered that the proposal is contrary to Policies SP9 and D1 of the North Herts Local Plan 2011-2031, Policy ASH4 of the Ashwell Neighbourhood Plan 2021, and Section 12 of the NPPF.

Pro-active Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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<u>Location:</u>	Garage Flat Chimneys Mill Lane Gosmore Hertfordshire SG4 7RL
<u>Applicant:</u>	Mrs Sylvia Adams
<u>Proposal:</u>	Change of use existing triple garage and flat above to one self-contained 2-bed dwelling including single storey side extension and alterations to fenestration.
<u>Ref. No:</u>	24/02036/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

21 November 2024

Reason for delay:

Committee cycles.

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of the objection of the Parish Council being supported by Cllr McDonnell, as set out in 8.4.5 (c) (ii) of the Council's Scheme of Delegation.

1.0 Relevant Site History

- 1.1 88/01077/1 - Erection of single storey side extension to dwelling and two storey extension to garage with formation of games room on first floor level, installation of dormer windows and provision of additional parking spaces – Approved 30/08/88.
- 1.2 86/01281/1 - Erection of two and single storey extensions with detached double garage – Approved 26/09/86.

Blue-edged area

- 1.3 20/01235/FP - Erection of one detached 3-bed dwelling – Approved 09/09/20.

2.0 Policies

2.1 North Hertfordshire District Local Plan 2011-2031

Policies:

SP2 – Settlement Hierarchy and Spatial Distribution

SP6 – Sustainable transport
SP9 – Design and sustainability

T1 – Assessment of transport matters
T2 – Parking
D1 – Sustainable Design
D3 – Protecting Living Conditions
D4 – Air quality

2.2 **National Planning Policy Framework** December 2024 (NPPF)

Chapter 5 – Delivering a sufficient supply of homes
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed and beautiful places

3.0 **Representations**

3.1 **Neighbouring Properties:**

Two comments in support were received on the following grounds:

- ☐ No objection.
- ☐ My house is close and shares an entrance, and I support the development.

3.2 **Parish Council:**

St. Ippolyts Parish Council object to this planning application as overdevelopment. The Parish Council did not approve the change of use from a garage to accommodation.

3.3 **Statutory Consultees:**

3.4 Environmental Health (Noise/ Air Quality) – No objections.

3.5 Ecologist - No objections.

3.6 Hertfordshire County Council highways officer – Does not wish to restrict the grant of permission.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is a large outbuilding with a pitched roof, used as a triple garage with residential accommodation above, at the front of the curtilage of dwelling Chimneys to the SE and east. Opposite the outbuilding is a new detached dwelling built following planning permission 20/01235/FP, that was on land within the curtilage of Chimneys. Hedges and fencing are on the outside of the site, with the inner parts of the site around the outbuilding being part of hardstanding serving Chimneys and the new dwelling.

4.1.2 The site is on a corner plot on Mill Road and Mill Lane and is accessed off Mill Lane. The site is in an area of residential character comprised of detached dwellings and terraced and semi-detached bungalows.

4.1.3 As indicated at 4.1.1, the existing building the subject of this proposal has a triple garage on the ground floor and residential accommodation above. The applicant in the

submitted Planning, Design and Access Statement describes this first-floor accommodation as a one bedroom self-contained flat (para.1.4), guest accommodation (para. 1.5) and annexe (para.1.9).

4.2 Proposal

- 4.2.1 It is proposed to change of use of the outbuilding to a detached two-bedroom dwelling, and to erect a single storey side extension on the NW side, and carry out alterations to openings on the front and rear elevations including the insertion of a front elevation canopy roof. The dwelling would be independent from Chimneys, using the existing access onto Mill Lane. Parking and bin storage would be to the front.

4.3 Key Issues

- 4.3.1 The key issues for consideration are as follows:
- The acceptability of the principle of the proposed works in this location.
 - The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
 - The impact that the proposed development would have on the living conditions of neighbouring properties.
 - Future living conditions of occupants
 - The impact that the proposed development would have on car parking provision and the public highway in the area.
 - The impact that the proposed development would have on trees, landscaping, and ecology.

Principle of Development:

- 4.3.2 The site is within Gosmore, a Category A village under Policy SP2 of the adopted Local Plan, where general development will be allowed. New residential development on the site is therefore acceptable in principle and complies with Policy SP2 of the Local Plan.

Character and appearance:

- 4.3.3 The building already has residential accommodation on its first floor and is near other dwellings within the existing and former curtilage of Chimneys, including a new dwelling opposite (approved under planning permission 20/01235/FP) that is not dissimilar to the outbuilding. The site is located within an established residential area. Therefore, it is considered that the proposed change of use would not be detrimental to the character and appearance of the site and locality. The size of the site as shown on the submitted Location Plan would be comparable to the new dwelling opposite and is acceptable.
- 4.3.4 The proposed altered openings and front entrance canopy would alter the appearance of the dwelling. However, these would be keeping with the character and appearance of the building and locality.
- 4.3.5 The proposed side extension would be a small addition to the building and is considered to be of an acceptable design and size. Whilst the side extension would bring the building closer to the highway Mill Lane, it would have limited visual impact due to its modest scale and height. It would also be screened to some degree by an existing boundary fence and hedge.
- 4.3.6 It's considered that Class A, B and E permitted development rights should be removed by condition due to the small size of the site, and proximity to public highways and nearby dwellings.

- 4.3.7 Regarding the concern raised by the Parish Council that the proposal would be overdevelopment, the proposal relates to an existing building and a modest lean-to extension is proposed. This extension and other alterations would be modest in form and scale and therefore it is considered that the proposal would not result in overdevelopment of the site. As set out elsewhere in this report, the dwelling would have acceptable living conditions, parking provision and other impacts.
- 4.3.8 In conclusion on this matter, the design of the proposal is acceptable and the development would comply with Policy D1 of the Local Plan and Section 12 of the NPPF.

Impacts on Neighbouring Properties:

- 4.3.9 Due to the location of the site, the dwellings that could be most affected by the proposal are Chimneys to the SE, and Chimneys Cottage opposite. Dwellings Hafod and 24 - 26 Mill Lane also have the potential to be affected.
- 4.3.10 Starting with No. 24 - 26 Mill Lane, this is behind the site to the SW on the opposite side of Mill Road. The side extension would be obscured by a hedge and would be sufficiently far away to not affect that dwelling. The alterations to rear openings will be on the ground floor and will not affect No. 24-26. The two existing rear rooflights appear obscure glazed and are in any case considered sufficiently far away to not harm the privacy and amenity of No. 24-26. The amenity of No. 24-26 will not therefore be harmed.
- 4.3.11 The dwelling known as Hafod is also opposite the site, in this case to the NW opposite Mill Lane. The alterations to the front and rear of the building would be small and would not affect Hafod. The side extension would be separated from Hafod by Mill Lane and a fence and vegetation. The building has two first floor windows facing Hafod. However, these are obscure glazed and are not proposed to be changed, which will not harm amenity. The proposal would not cause harm to the living conditions of occupiers of Hafod.
- 4.3.12 Turning to the dwelling known as Chimneys to the SE, the proposed extension and alterations are on elevations of the building that would not face Chimneys, and would not affect that dwelling. An existing first floor side window that faces Chimneys serves stairs, which would remain the case following the conversion, and is not considered harmful.
- 4.3.13 The Proposed Block Plan shows a smaller plot for the dwelling than that shown on the Location Plan, with the Block Plan plot being considered to be the more likely curtilage for the new dwelling due to its larger scale used and greater site details shown.
- 4.3.14 The Block Plan does not show whether there would be any boundary treatment such as new fencing on the inside boundaries of the site, with a Planning, Design and Access Statement (PDAS) in 3.6 inferring landscaping details will be left to the applicant. It is however considered that the proposed plot on the Block Plan would be sufficiently far from Chimneys to not result in harm, including if fencing was erected – the applicant could however erect a 2m high fence/wall on the inside boundary under permitted development to serve the existing flat which would result in similar impacts should a fence/wall be put up on the proposed plot boundary.
- 4.3.15 The Existing and Proposed Block Plans show two parking spaces to the front of Chimneys near the site boundary with Mill Road. The most straightforward way to access these presently is to drive between the outbuilding and a planted 'island'. If

permission is granted, a new occupant may erect fencing or some other means of enclosure or other features that could restrict or prevent vehicular access to those parking spaces. However, the wider site is relatively large, and occupants of Chimneys would be able to park near the other side of Chimneys via an unobstructed route north of the planted island, with sufficient manoeuvring space remaining. Impacts on the amenity of Chimneys are considered acceptable.

- 4.3.16 Chimneys Cottage (CC) opposite the site to the NE is the other closest dwelling. The side extension, altered rear opening, new front canopy, and altered ground front openings are not considered harmful to CC due to their small size, by being on the ground floor, and distance from CC.
- 4.3.17 The proposed plot for the new dwelling as shown on the Proposed Block Plan includes the access and is close to the front of CC. However, parking would be achieved on site without adversely affecting parking and vehicular access to that property which is where the applicant resides.
- 4.3.18 The front elevation of the building is approx. 12.5m and 14m from the front elevation of CC. The first-floor front windows of the proposed conversion would each serve bedrooms, while presently they serve a lounge/diner and a kitchen. The Council does not have any policies or other guidance setting out minimum distances between windows. Although this distance is not dissimilar to many front-to-front distances for properties in residential areas that are close to the highway.
- 4.3.19 The area between the proposed dwelling and CC is a communal driveway and turning area, not unlike a private courtyard or drive serving multiple dwellings. In this respect, the distance between the dwellings is considered acceptable, as private areas of amenity would not be overlooked by the new dwelling. Impacts on amenity would be acceptable and the proposal would comply with Policy D3 of the Local Plan.

Future living conditions

- 4.3.20 The proposed dwelling would be considered to receive acceptable outlook, light and privacy. The size and quality of internal accommodation is considered acceptable.
- 4.3.21 The new dwelling does not include a private garden area within a means of enclosure such as a new fence. The Proposed Block Plan shows the dwelling would have access to land at the side and to its rear. The area to the rear would measure approx. 11m by 2m. The area to the side would measure approx. 9m in width, and 5m to 8.3m in depth.
- 4.3.22 The Council does not have policies requiring minimum garden sizes for new dwellings, however as the new dwelling would be small with two bedrooms. The outdoor amenity area would be adequate for future occupiers of a dwelling house of this size.
- 4.3.23 The amenity space areas are mainly of hardstanding with no additional fencing proposed. This is very similar to the recent new dwelling Chimneys Cottage opposite the site approved under 20/01235/FP. The amenity space would be afforded some privacy by vegetation and the host building. Future living conditions would be acceptable and therefore the proposal complies with Policy D1 of the Local Plan.

Highways and Parking:

- 4.3.24 The proposed dwelling would have two parking spaces, which complies with minimum standards and is acceptable. Cycle parking would be provided internally. Bin storage and

access to the public highway are considered acceptable, with no objections from the highways officer. The proposal complies with Policies T1 and T2 of the Local Plan.

Landscape and trees and ecology

- 4.3.25 There are no trees that will be affected by the proposed conversion and extensions. The site is already landscaped and managed with planting which will largely remain as existing following the works, therefore landscaping is acceptable. A condition will be imposed requiring details of new planting and potential fencing. The proposal is not subject to biodiversity net gain requirements as it would be de minimis under the BNG guidance (being development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows). The proposal complies with Policies NE2 and NE4 of the Local Plan.

4.4 Planning Balance and Conclusion

- 4.4.1 Under the provisions of the recently revised NPPF the Council cannot demonstrate a 5-year supply of deliverable housing land. Therefore, the tilted balance as set out in paragraph 11 (d) of the NPPF applies.
- 4.4.2 In the absence of adverse impact that significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF, it is recommended that planning permission be **GRANTED**.

4.5 Alternative Options

- 4.5.1 None identified.

4.6 Pre-Commencement Conditions

- 4.6.1 Not applicable.

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

- 6.1 That planning permission be **GRANTED** subject to the following:
- a) The following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Materials to be used on all external elevations and the roof of the development hereby permitted shall be similar to those of the existing building, unless otherwise approved in writing with the LPA.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area. To comply with Policy D1 of the Local Plan.

5. Prior to occupation, the proposed new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality. To comply with Policy D4 of the Local Plan.

6. Prior to occupation of the approved dwelling, landscaping details shall be submitted to the LPA for approval and shall include the following:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained

- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

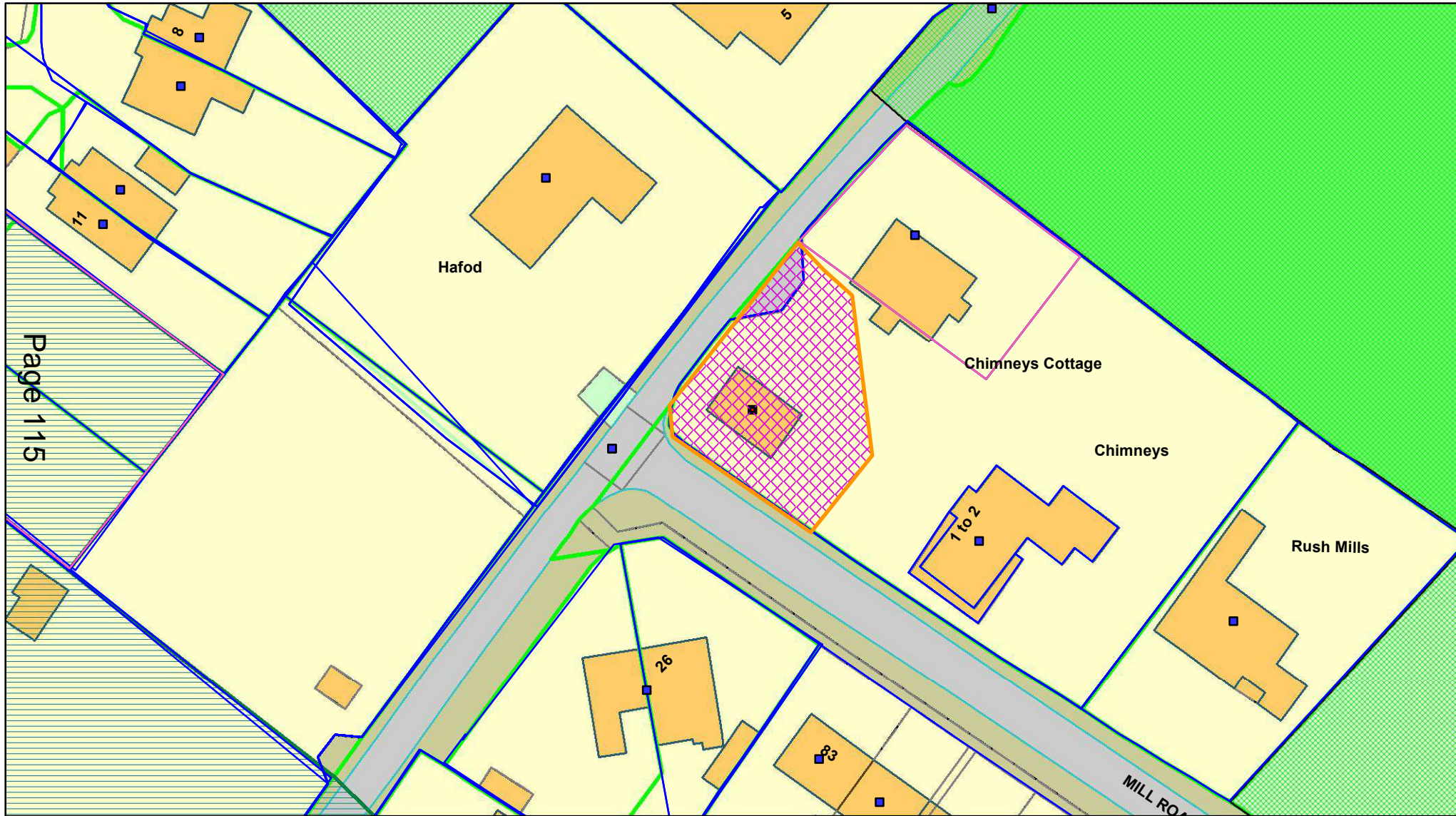
7. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the

completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



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